



Labor Relations Bulletin

FROM THE NATIONAL ELECTRICAL CONTRACTORS ASSOCIATION

Shift Clause FAQ

There have been questions arising recently about the interpretations of the shift clauses provisions. These questions have been gathered, condensed, and answered with the appropriate references. The parties are encouraged to refer regularly to the [Shift Clause Interpretations](#) when considering the shift provisions in their Agreement. These interpretations are the original signed understandings between the parties when the Category I Shift Clause was negotiated. They are attached to and referenced throughout this memo.

1. May an employer schedule only one shift?

Yes, so long as the shift is not the day shift (first shift). The employer is permitted to work second and/or third alone or in combination with the other shifts.

[See Shift Clause Interpretation Number 1.](#)

2. How many individuals constitute a shift?

There are no minimum requirements for individuals on a shift. A shift may contain one individual unless prohibited elsewhere in the Agreement for safety reasons.

[See Shift Clause Interpretation Number 3.](#)

3. The normal workday in the Agreement is less than eight hours. Does this mean the shift hours are also less?

No. The shifts will be worked according to the hours and pay established in the Category I Shift Provisions. Any work performed outside of the shifts will be according to the Agreement or understandings negotiated by the parties.

[See Shift Clause Interpretation Number 2.](#)

4. A crew is working second shift Monday through Friday, and now they must also work on Saturday. How is overtime calculated on that Saturday?

Since second and third shift commence on Friday and complete on Saturday, individuals on these shifts working overtime will be paid at time and one-half the shift rate for up to four hours on Saturday.

[See Shift Clause Interpretation Number 5.](#)

Any time exceeding the four hours after the completion of second or third shift on Saturday will be paid according to the applicable overtime rates for Saturday, Sunday, or Holidays contained in the agreement and does not include the shift premium. Therefore, if the Agreement states all work performed on Saturday, Sunday, or Holidays is double-time, the hourly rate shall be calculated by doubling the appropriate classification rate of pay and not include any shift premiums.

[See Shift Clause Interpretation Number 4.](#)

There have been some challenges stating this practice is not allowable under the Fair Labor Standards Act (FLSA) due to its definition of regular rate of pay; however, in the Collective Bargaining Agreement, Saturdays, Sundays, and Holidays are treated differently than the regular workday and workweek; therefore, the FLSA considers them special days and therefore different work which allows for the use of different rates of pay.

5. An employer wants to work ten-hour shifts utilizing the four-ten workweek. May the same interpretations and understandings be applied?

No. The Shift Clause Provisions in Category I Language are for the standard workweek eight hours Monday through Friday. A four-ten provision is a separate provision (and workweek). If the parties want to work shifts pursuant to this provision, they will need to negotiate such locally.

6. The shift language says shifts must be of at least five (5) days' duration. Does this mean a shift must commence on Monday and run through Friday to be considered valid?

No. The five days' duration requirement means five consecutive working days with Saturdays, Sundays, and Holidays excluded. If second or third shift commences on Tuesday and completes the following Monday, the five days' duration is met.

[See Shift Clause Interpretation Number 6.](#)

7. The customer is requiring all crafts to commence their shifts at times that do not align with the starting times provided for in the shift provisions. May the parties alter the starting times to fit the customer's requirement?

Yes. The parties may alter the starting times of shifts to meet the job requirements.

[See Shift Clause Interpretation Number 8.](#)

This document and its contents are not to be used for bidding purposes. All inquiries about Shift Work or the Collective Bargaining Agreement should be directed to the respective NECA Chapter for the applicable area.

SHIFT WORK:

Section 3.12. When so elected by the contractor, multiple shifts of at least five (5) days' duration may be worked. When two (2) or three (3) shifts are worked:

The first shift (day shift) shall be worked between the hours of 8:00 A.M. and 4:30 P.M. Workmen on the "day shift" shall receive eight (8) hours' pay at the regular hourly rate for eight (8) hours' work.

The second shift (swing shift) shall be worked between the hours of 4:30 P.M. and 12:30 A.M. Workmen on the "swing shift" shall receive eight (8) hours' pay at the regular hourly rate plus 10% for seven and one-half (7 1/2) hours' work.

The third shift (graveyard shift) shall be worked between the hours of 12:30 A.M. and 8:00 A.M. Workmen on the "graveyard shift" shall receive eight (8) hours' pay at the regular hourly rate plus 15% for seven (7) hours' work.

A lunch period of thirty (30) minutes shall be allowed on each shift. All overtime work required after the completion of a regular shift shall be paid at one and one-half times the "shift" hourly rate.

There shall be no pyramiding of overtime rates and double the straight rate shall be the maximum compensation for any hour worked. There shall be no requirement for a day shift when either the second or third shift is worked.

SHIFT CLAUSE: *(Alternate Language #1)*

Note: This Alternate Language may be agreed upon by both parties, placed in the agreement verbatim, and is to be used in lieu of, not in conjunction with, the Standard IBEW/NECA Shift Work Language.

Section 3.12. When so elected by the contractor, multiple shifts of eight (8) hours for at least five (5) days' duration may be worked. When two (2) or three (3) shifts are worked:

The first shift (day shift) shall consist of eight (8) consecutive hours worked between the hours of 8:00 A.M. and 4:30 P.M. Workmen on the "day shift" shall be paid at the regular hourly rate of pay for all hours worked.

The second shift (swing shift) shall consist of eight consecutive hours worked between the hours of 4:30 P.M. and 1:00 A.M. Workmen on the "swing shift" shall be paid at the regular hourly rate of pay plus 17.3% for all hours worked.

The third shift (graveyard shift) shall consist of eight (8) consecutive hours worked between the hours of 12:30 A.M. and 9:00 A.M. Workmen on the "graveyard shift" shall be paid at the regular hourly rate of pay plus 31.4% for all hours worked.

The Employer shall be permitted to adjust the starting hours of the shift by up to two (2) hours in order to meet the needs of the customer.

If the parties to the Agreement mutually agree, the shift week may commence with the third shift (graveyard shift) at 12:30 A.M. Monday to coordinate the work with the customer's work schedule. However, any such adjustment shall last for at least five (5) consecutive days' duration unless mutually changed by the parties to this agreement.

An unpaid lunch period of thirty (30) minutes shall be allowed on each shift. All overtime work required before the established start time and after the completion of eight (8) hours of any shift shall be paid at one and one-half times the "shift" hourly rate.

There shall be no pyramiding of overtime rates and double the straight rate shall be the maximum compensation for any hour worked. There shall be no requirement for a day shift when either the second or third shift is worked.

If the parties to the Agreement mutually agree, the shift week may commence with the third shift (graveyard shift) at 12:30 A.M. Monday to coordinate the work with the customer's work schedule. However, any such adjustment shall last for at least five (5) consecutive days' duration unless mutually changed by the parties to this agreement.

SHIFT CLAUSE: *(Alternate Language # 2)*

Note: This alternate language is to be used where a reduced premium is necessary within the "Standard" format.

Section 3.12. When so elected by the contractor, multiple shifts of at least five (5) days' duration may be worked. When two (2) or three (3) shifts are worked:

The first shift (day shift) shall be worked between the hours of 8:00 A.M. and 4:30 P.M. Workmen on the "day shift" shall receive eight (8) hours' pay at the regular hourly rate for eight (8) hours' work.





The second shift (swing shift) shall be worked between the hours of 4:30 P.M. and 12:30 A.M. Workmen on the "swing shift" shall receive eight (8) hours' pay at the regular hourly rate plus _____ (an amount to be determined locally, not to exceed 10%) for seven and one-half (7 1/2) hours' work.









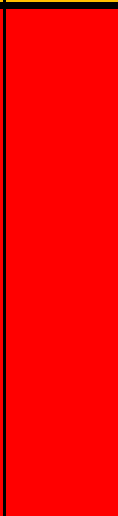
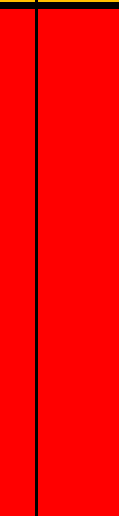
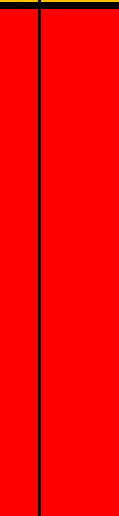
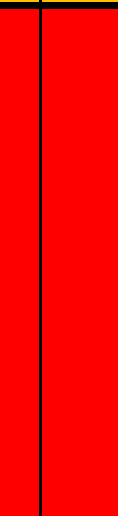

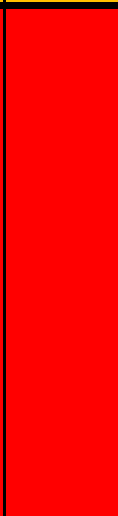
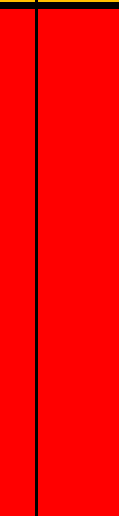
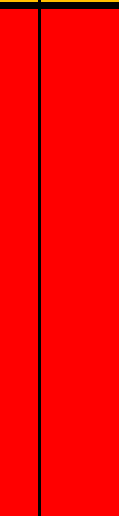
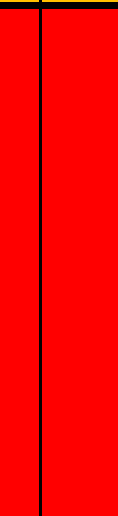

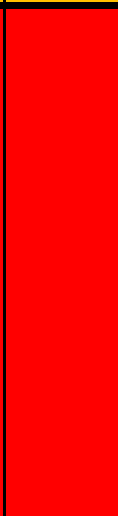
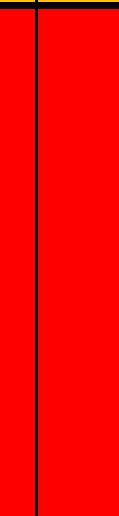
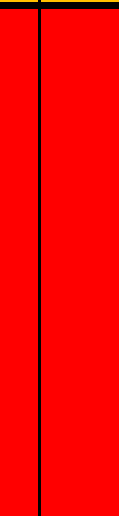
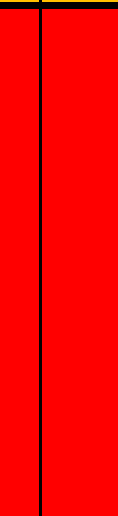

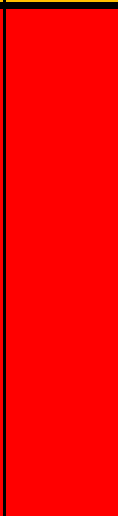
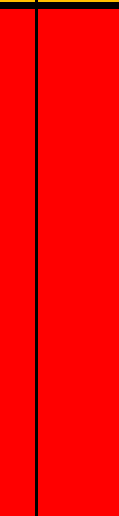
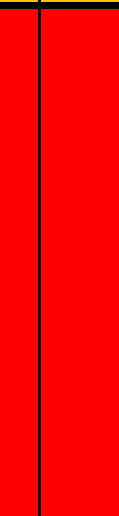
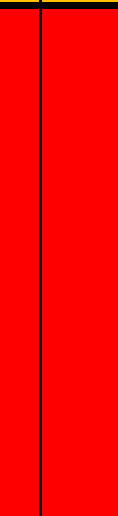

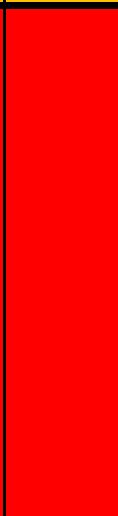
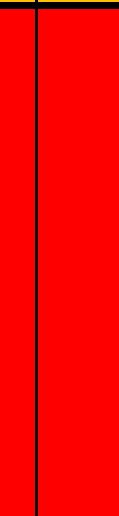
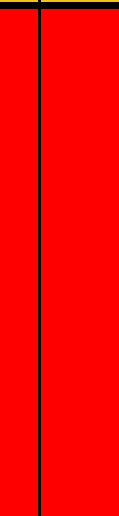
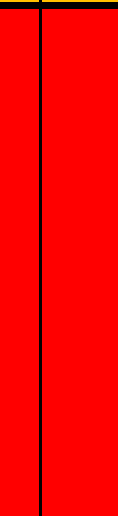

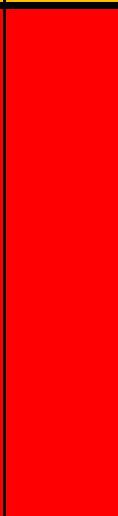
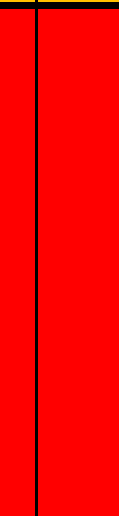
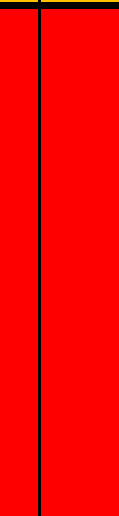
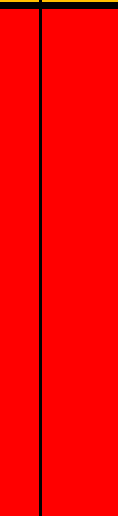

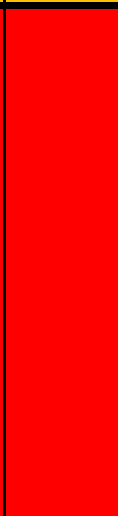
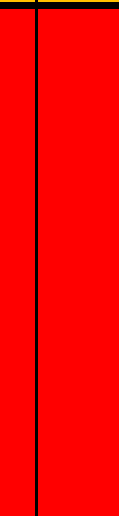
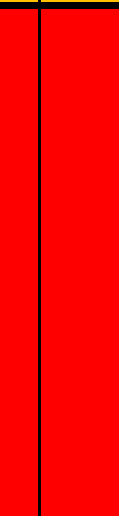
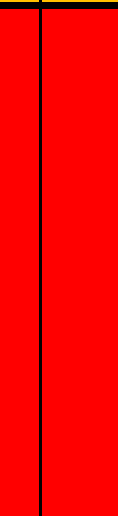

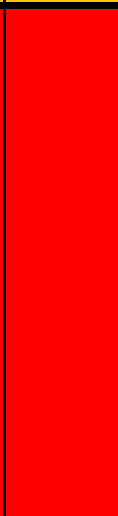
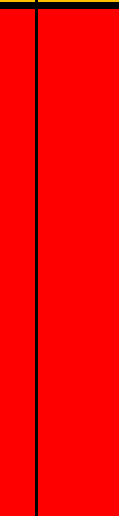
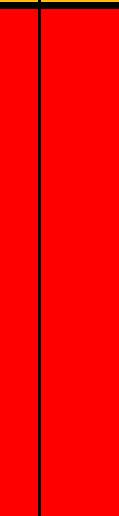
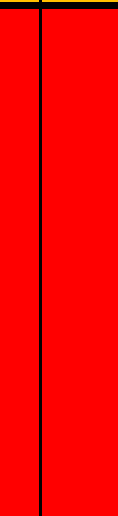

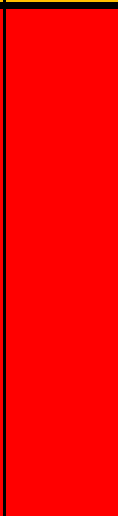
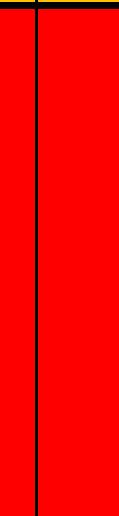
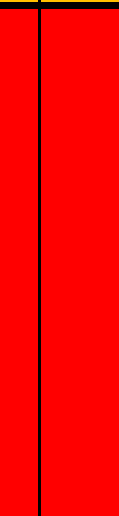
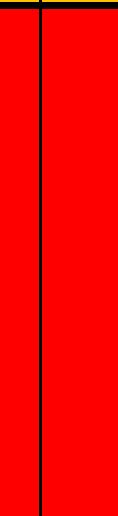

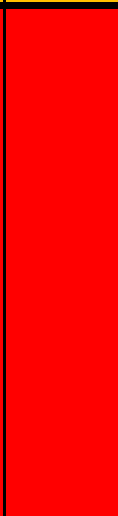
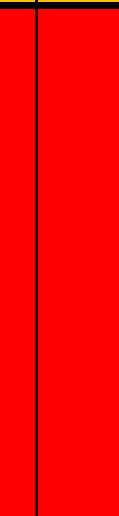
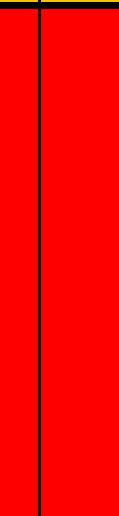
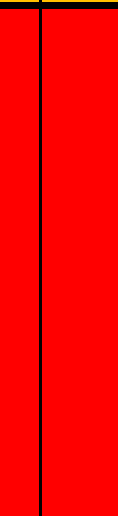

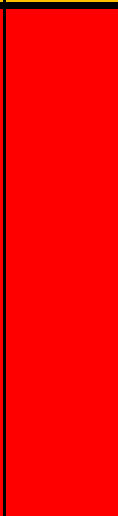
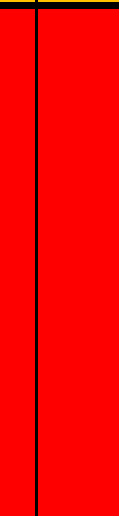
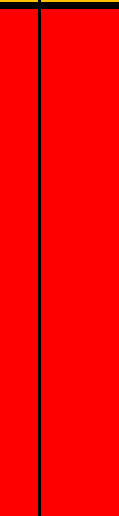
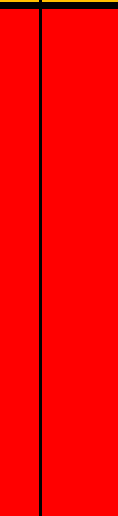

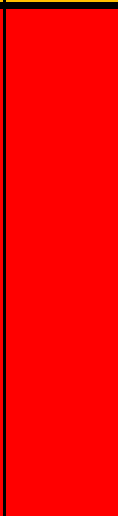
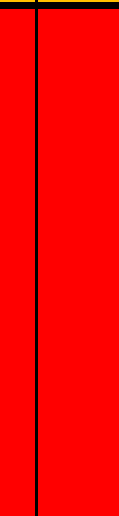
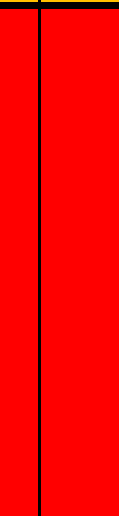
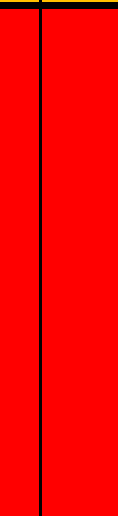

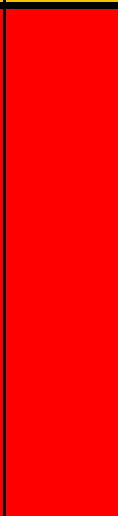
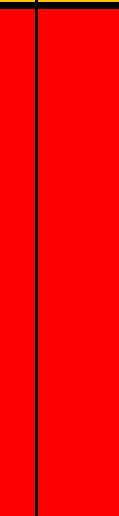
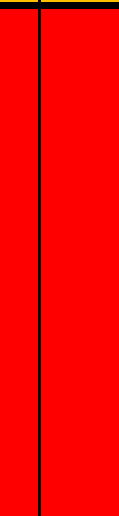
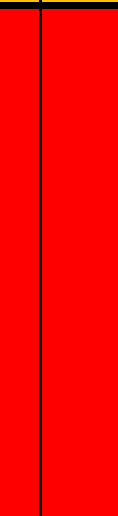

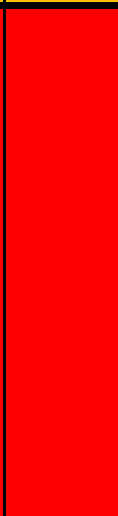
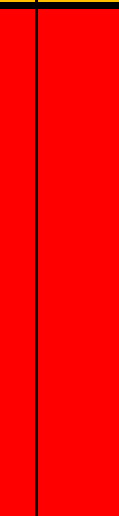
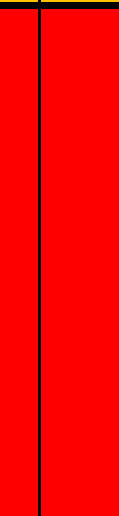
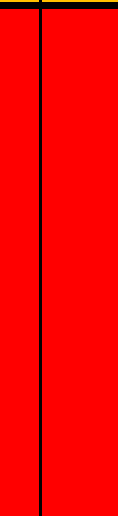

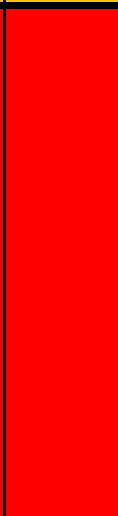
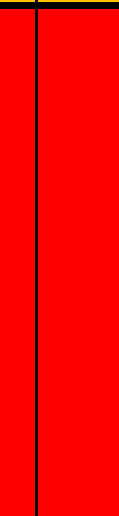
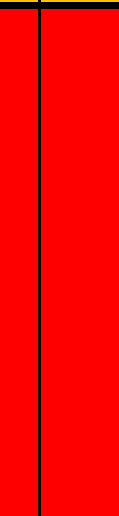
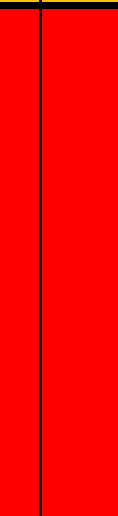



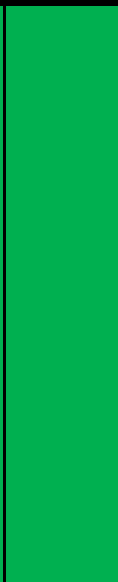

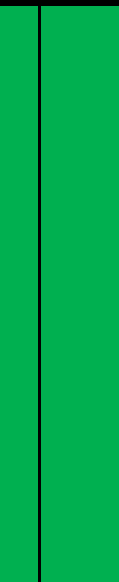



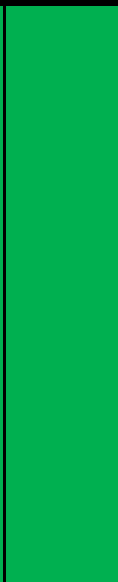

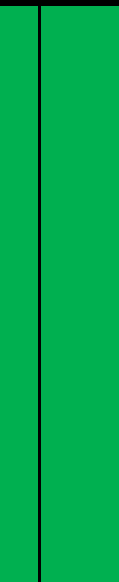


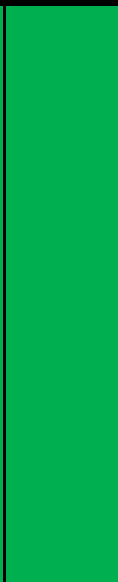

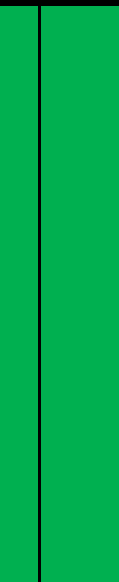


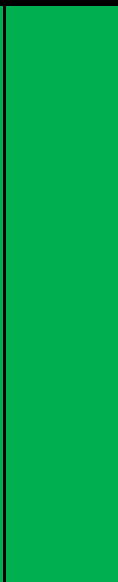

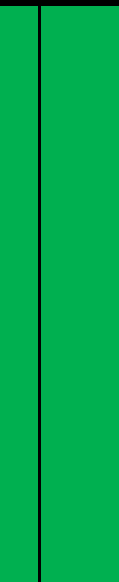


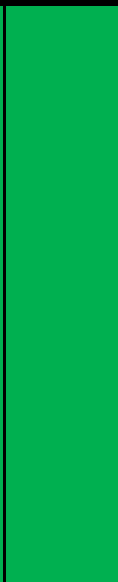

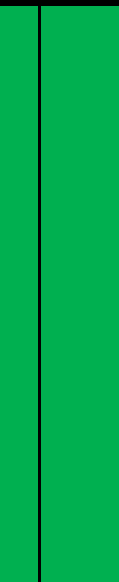


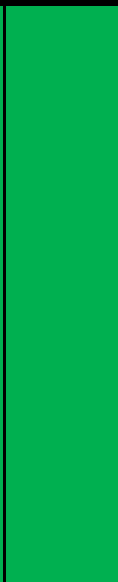

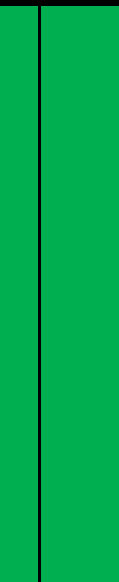


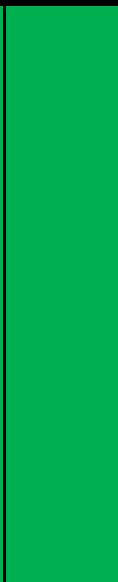

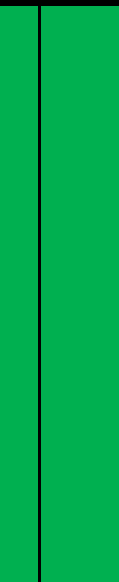


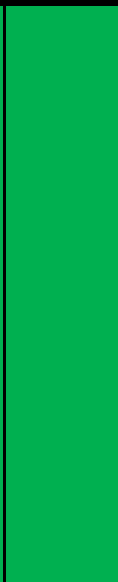

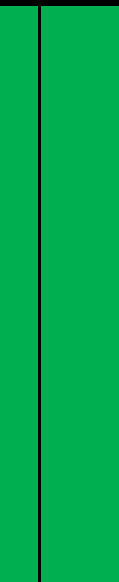


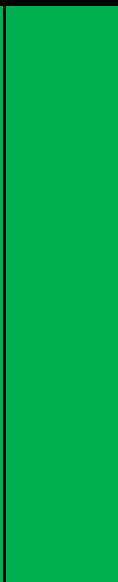

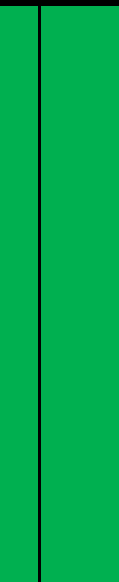


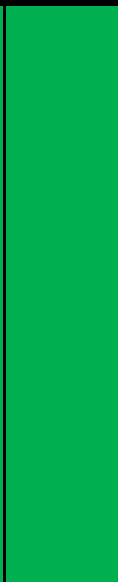

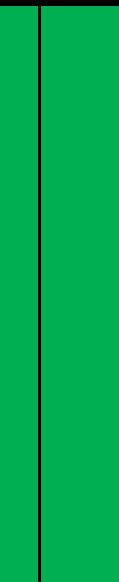


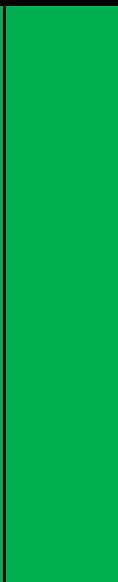

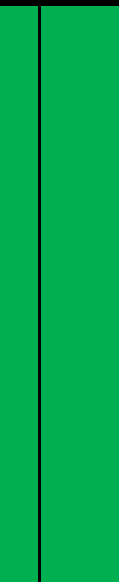


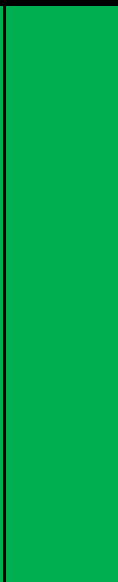

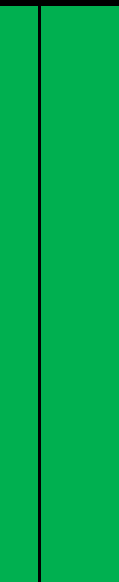


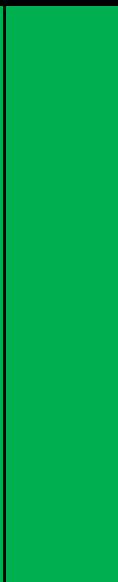

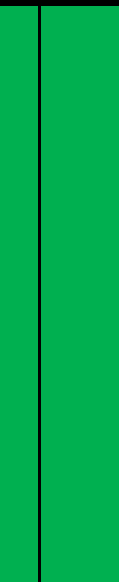


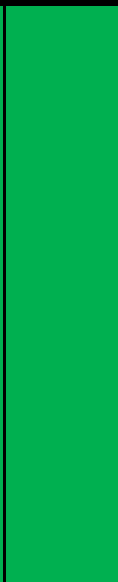

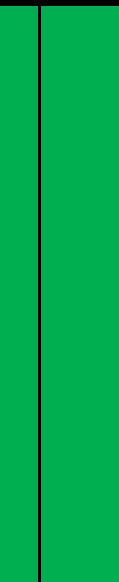


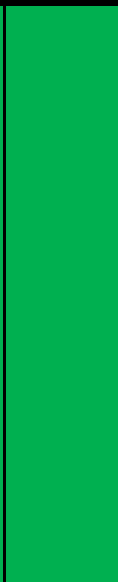

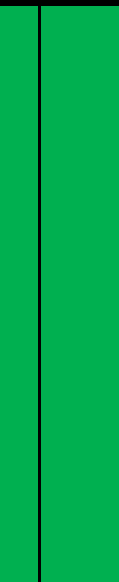


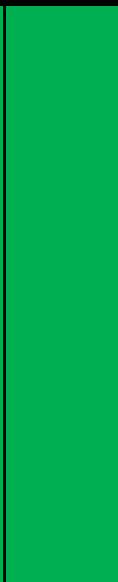

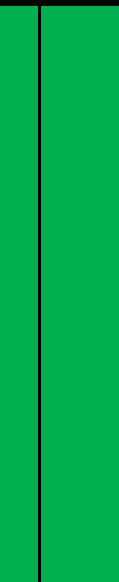


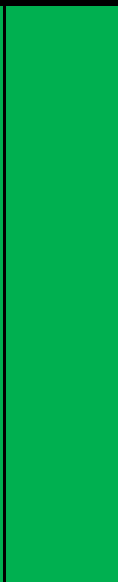

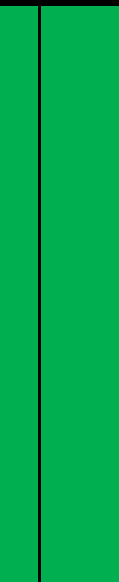




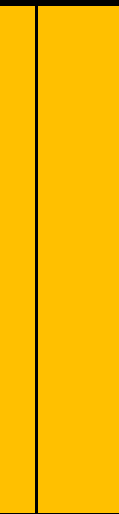
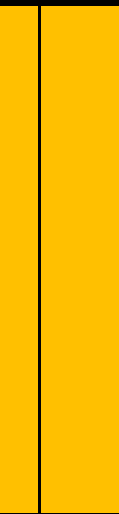



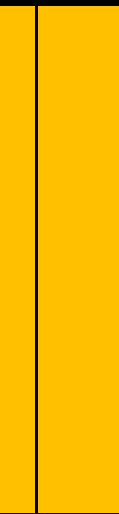
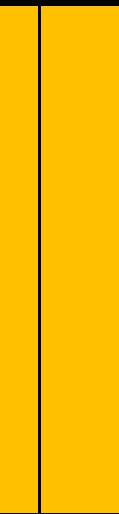



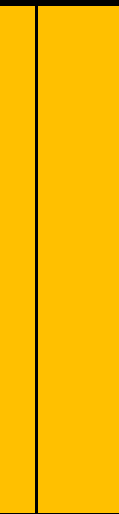
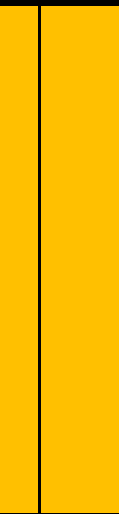



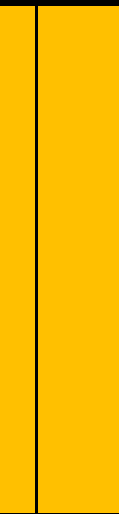
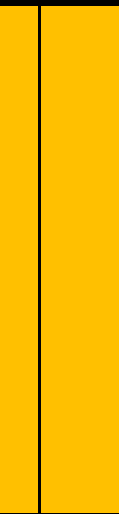



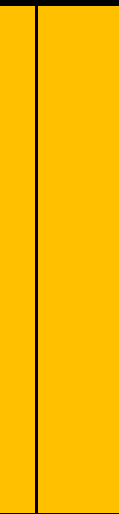
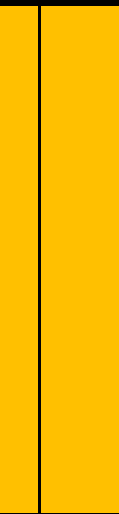



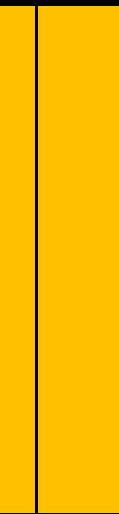
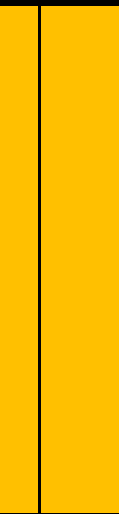



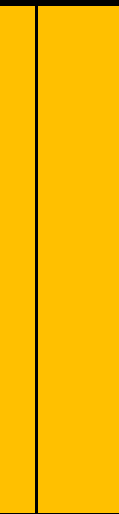
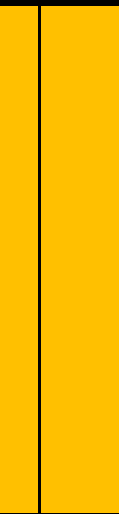



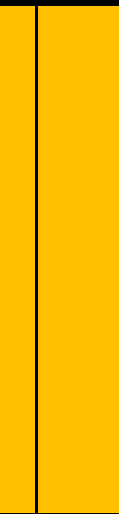
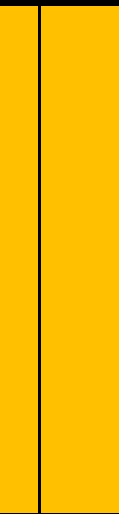



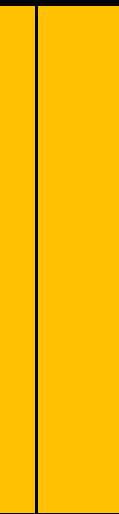
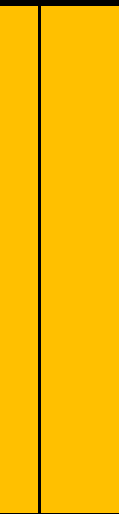



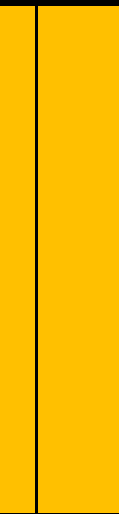
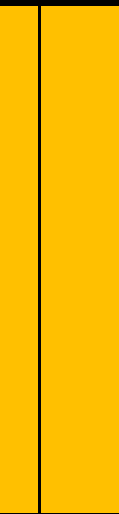



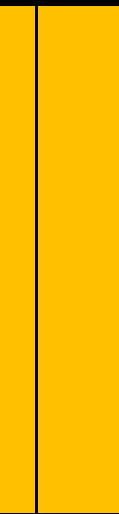
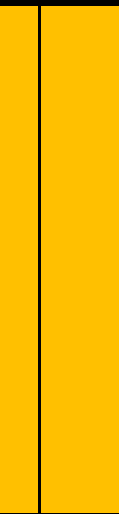



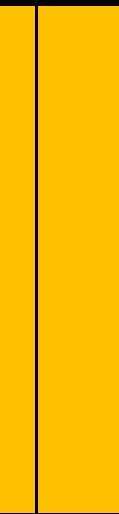
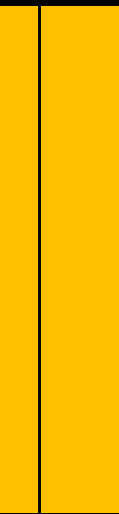



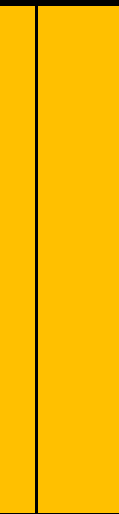
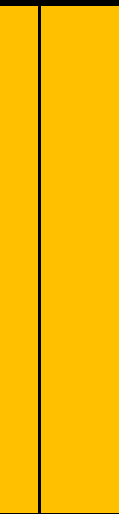



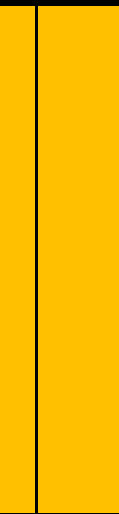
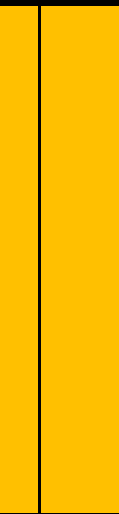



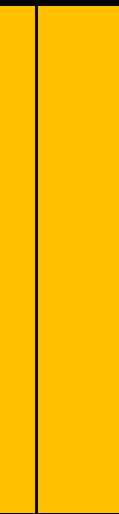
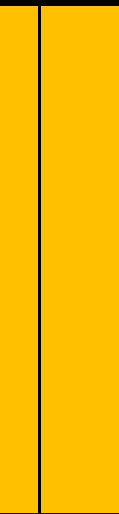
The third shift (graveyard shift) shall be worked between the hours of 12:30 A.M. and 8:00 A.M.

Workmen on the "graveyard shift" shall receive eight (8) hours' pay at the regular hourly rate plus _____ (an amount to be determined locally, not to exceed 15%) for seven (7) hours' work.

A lunch period of thirty (30) minutes shall be allowed on each shift. All overtime work required after the completion of a regular shift shall be paid at one and one-half times the "shift" hourly rate.

There shall be no pyramiding of overtime rates and double the straight rate shall be the maximum compensation for any hour worked. There shall be no requirement for a day shift when either the second or third shift is worked.

First Shift 
 Second Shift  Locally negotiated Percentage Premium
 Third Shift  Locally negotiated Percentage Premium
 Overtime 

| | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | |
|----------|---|---|---|---|--|--|---|--|
| 12:00 AM |  |  |  |  |  |  |  | |
| 12:30 AM | | |  |  |  |  |  | |
| 1:00 AM | | |  |  |  |  |  | |
| 1:30 AM | | |  |  |  |  |  | |
| 2:00 AM | | |  |  |  |  |  | |
| 2:30 AM | | |  |  |  |  |  | |
| 3:00 AM | | |  |  |  |  |  | |
| 3:30 AM | |  |  |  |  |  | | |
| 4:00 AM | |  |  |  |  |  | | |
| 4:30 AM | |  |  |  |  |  | | |
| 5:00 AM | |  |  |  |  |  | | |
| 5:30 AM | |  |  |  |  |  | | |
| 6:00 AM | |  |  |  |  |  | | |
| 6:30 AM | |  |  |  |  |  | | |
| 7:00 AM | |  |  |  |  |  | | |
| 7:30 AM | |  |  |  |  |  | | |
| 8:00 AM | |  |  |  |  |  |  |  |
| 8:30 AM | |  |  |  |  |  | | |
| 9:00 AM | |  |  |  |  |  | | |
| 9:30 AM | |  |  |  |  |  | | |
| 10:00 AM | |  |  |  |  |  | | |
| 10:30 AM |  |  |  |  |  | | | |
| 11:00 AM |  |  |  |  |  | | | |
| 11:30 AM |  |  |  |  |  | | | |
| 12:00 PM |  |  |  |  |  | | | |
| 12:30 PM |  |  |  |  |  | | | |
| 1:00 PM |  |  |  |  |  | | | |
| 1:30 PM |  |  |  |  |  | | | |
| 2:00 PM |  |  |  |  |  | | | |
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| 9:00 PM |  |  |  |  |  | | | |
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| 10:00 PM |  |  |  |  |  | | | |
| 10:30 PM |  |  |  |  |  | | | |
| 11:00 PM |  |  |  |  |  | | | |
| 11:30 PM |  |  |  |  |  | | | |

SHIFT CLAUSE: *(Alternate Language #3)*

Note: This alternate language is to be used where a reduced premium is needed within the "Alternate" format.

Section 3.12. When so elected by the contractor, multiple shifts of eight (8) hours for at least five (5) days' duration may be worked. When two (2) or three (3) shifts are worked:

The first shift (day shift) shall consist of eight (8) consecutive hours worked between the hours of 8:00 A.M. and 4:30 P.M. Workmen on the "day shift" shall be paid at the regular hourly rate of pay for all hours worked.

The second shift (swing shift) shall consist of eight consecutive hours worked between the hours of 4:30 P.M. and 1:00 A.M. Workmen on the "swing shift" shall be paid at the regular hourly rate of pay plus _____ (an amount to be determined locally, not to exceed 17.3%) for all hours worked.

The third shift (graveyard shift) shall consist of eight (8) consecutive hours worked between the hours of 12:30 A.M. and 9:00 A.M. Workmen on the "graveyard shift" shall be paid at the regular hourly rate of pay plus _____ (an amount to be determined locally, not to exceed 31.4%) for all hours worked.

The Employer shall be permitted to adjust the starting hours of the shift by up to two (2) hours in order to meet the needs of the customer.

If the parties to the Agreement mutually agree, the shift week may commence with the third shift (graveyard shift) at 12:30 A.M. Monday to coordinate the work with the customer's work schedule. However, any such adjustment shall last for at least five (5) consecutive days' duration unless mutually changed by the parties to this agreement.

An unpaid lunch period of thirty (30) minutes shall be allowed on each shift. All overtime work required before the established start time and after the completion of eight (8) hours of any shift shall be paid at one and one-half times the "shift" hourly rate.

There shall be no pyramiding of overtime rates and double the straight rate shall be the maximum compensation for any hour worked. There shall be no requirement for a day shift when either the second or third shift is worked.

If the parties to the Agreement mutually agree, the shift week may commence with the third shift (graveyard shift) at 12:30 A.M. Monday to coordinate the work with the customer's work schedule. However, any such adjustment shall last for at least five (5) consecutive days' duration unless mutually changed by the parties to this agreement.

SHIFT CLAUSE INTERPRETATIONS

The shift clause is interpreted to mean the following:

1. The day shift shall not be worked as a shift by itself only. To permit this type of operation would circumvent the hours of work and overtime provisions in many working agreements.
2. In agreements with less than an eight hour normal working day, the first shift will work eight hours for eight hours pay at the straight time rate when shifts are in operation. On projects where only a portion of the operations are on shift conditions, the remainder of the job will be governed by the regular hours of work section in the agreement.
3. There is no requirement for a minimum number of men working on any shift. One man working alone may constitute a shift unless the agreement provides otherwise because of safety reasons.
4. Shift work on Saturdays, Sundays and holidays designated in the local working agreement shall be paid in accordance with the overtime provision contained in the local agreement, however, no hourly compensation can exceed double the straight time rate for any hour worked. Where holiday pay is provided for in the agreement such shall be paid in addition to the holiday hourly overtime rate.
5. Under normal circumstances, the shift week will begin at 8:00 a.m., Monday morning and conclude at 8:00 a.m., Saturday morning. The rate of pay on the second shift from 12:00 midnight to 12:30 a.m., Saturday, shall be paid at the regular second shift rate. The rate of pay for the third shift on Saturday morning from 12:30 a.m. to 8:00 a.m. shall be paid at the regular third shift rate. Overtime at one and one-half times the shift differential on Saturday morning shall be limited to four hours.
6. The five day requirement is interpreted to mean five consecutive working days, excluding Saturdays, Sundays and holidays. Circumstances beyond the control of the employer preventing him from meeting this requirement shall relieve the employer of this requirement.
7. The ban on pyramiding shall apply to hazard premiums as well as overtime rate. Under shift circumstances, no combination of these conditions can result in an hourly pay in excess of double the straight time rate.
8. The starting time of shifts should be adjusted to fit the local job requirements.