

## **8.24 Shift Disturbance and Night Allowances**

This policy sets out the rules for the payment of Shift Disturbance Allowance and Night Duty Allowance to non-industrial civil servants below Senior Civil Service (SCS) level

- General eligibility criteria for Shift Disturbance and Night Duty Allowances are listed in Section 2 Eligibility
- Definitions and categories of shift workers are provided in Section 3 Definition of a Shift Worker and Section 4 Categories of Shift Workers
- The rules relating to the criteria for and calculation and payment of Shift Disturbance Allowance are set out in Sections 6 to 18
- Details of the eligibility criteria and payment arrangements for Night Duty Allowance are provided in Section 19 Night Duty Allowance
- The ceiling and floor salary levels applicable to Shift Disturbance and Night Duty allowances are contained in Annex 1

**The following terms within this policy are defined in the glossary:**

Shift Disturbance Allowance, Night Duty Allowance, Shift Worker Allowances and London Weighting Allowance.

**You may also be interested in the following policies:**

8.02 Payment of Pay

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## 8.24 Shift Disturbance and Night Duty Allowances

### CONTENTS

1	Introduction .....	3
2	Eligibility .....	3
3	Definition of a Shift Worker.....	3
4	Categories of Shift Workers .....	4
4.1	Introduction .....	4
4.2	Regular Shift Worker.....	4
5	Definition of a Shift Roster .....	5
5.1	Introduction .....	5
5.2	Night Shift .....	5
5.3	Day Shift.....	5
5.4	Rest Days.....	5
6	How Shift Disturbance Allowance is Paid .....	5
7	Calculating the Standard Rates of Shift Disturbance Allowance .....	6
7.1	Introduction .....	6
7.2	Proportion of Night Shifts in Rota.....	6
8	Calculating of the Number of “Day” Shifts Attracting Payment .....	6
9	Averaging of Shift Disturbance Allowance when not all of the “Day” Shifts Attract Payment .....	7
10	Continuity of Payment of SDA - Regular Shift Workers.....	7
11	Continuity Arrangements for Seasonal Shift Workers with Regular Shift Work Status .....	8
12	Cessation of Payment - Regular Shift Workers.....	9
13	Return to Shift Working after Transfer to Day Work .....	9
14	Cessation of Payment for Seasonal Shift Workers with Regular Shift Worker Status .....	10
15	Regular Shift Workers: Transfer to a Roster Attracting a Lower Rate of Shift Disturbance Allowance.....	11
16	Overtime Arrangements for Shift Workers .....	11
16.1	Introduction .....	11
16.2	Regular Shift Workers .....	12
16.3	Casual Shift Workers.....	12
17	Relief Shift Duties .....	13
18	Changes in Patterns of Working.....	13
19	Night Duty Allowance.....	13
20	Shift Disturbance and Night Duty Allowances: Options .....	14
21	Shift Disturbance and Night Duty Allowances: Ceiling and Floor Payments (See Annex 1) .....	14
22	Shift Disturbance and Night Duty Allowances: General.....	14
	Shift Disturbance and Night Duty Allowance: ‘Ceiling’ and ‘Floor’ Payments .....	16

## **8.24 Shift Disturbance and Night Duty Allowances**

### **1 Introduction**

1.1 This chapter of the Staff Handbook sets out the rules for the payment of Shift Disturbance and Night Duty Allowances if you are a non-industrial civil servant below Senior Civil Service (SCS) level.

1.2 Industrial staff who undertake shift working or night duties are subject to local Departmental arrangements.

### **2 Eligibility**

Shift Disturbance and Night Duty Allowances are payable to you if you are a non-industrial officer below the SCS and meet the criteria for payment set out in this chapter. They are not however payable to you if:

- a. special Departmental arrangements apply to you or your grade;
- b. you or your grade have no set conditioned hours (known as “all hours worked” grades);
- c. you are covered by externally-negotiated schemes of compensation for shift or night duties, for example those of a single outside analogue, the National Health Service and the like;
- d. night or shift duties are a condition of service and remuneration for this forms part of your basic pay;
- e. you are employed on individual terms of service, such as limited period appointments, unless the shift working or night duty arrangements form part of your terms of service. Departments should be aware however of the requirements of the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations.

### **3 Definition of a Shift Worker**

3.1 You are defined as a shift worker when:

- a. your conditioned hours are worked in the form of shifts;
- b. you are a member of a shift roster; and
- c. your pattern of attendance during the shift cycle covers all shifts in the roster which determine your rate of Shift Disturbance Allowance.

## **4 Categories of Shift Workers**

### **4.1 Introduction**

There are three categories of shift worker:

- a. Regular Shift Worker
- b. Casual Shift Worker and
- c. Singleton Shift Worker.

These are defined in detail below.

### **4.2 Regular Shift Worker**

4.2.1 You are defined as a “regular shift worker” if:

- a. your shift working pattern is expected to continue for a period of at least 12 months; or
- b. you are in a post where there is a continuous need for shift working but where your shift pattern may vary due to different seasonal requirements throughout the year; or
- c. you work in a Department which has a pre-determined annual requirement in certain areas for regular periods of shift working on a seasonal basis, provided that each continuous period of pre-determined shift working is for a period of not less than three months.

4.2.2 If your post has been designated as “regular”, it will continue to be regarded as such until your period of shift working itself comes to an end. Your regular shift worker status will not be affected when the shift duties of your post are temporarily suspended.

### **4.3 Casual Shift Workers**

4.3.1 **All other shift workers** will be classified as “casual shift workers”.

### **4.4 Singleton Shift Worker**

4.4.1 If you are not a part of a shift roster but your required normal working pattern varies to the extent that, if it were part of a shift roster involving more than one member of staff it would qualify for the payment of Shift Disturbance Allowance, you will be known as a “Singleton Shift Worker”. The provisions of this section will also apply to Singleton Shift Workers.

4.4.2 If you are part of a shift roster but your rostered hours of attendance never vary during the shift cycle you will not be regarded as a shift worker for the payment of Shift Disturbance Allowance. However you may receive Night Duty Allowance if the hours of attendance satisfy the conditions of payment for that allowance (see paragraphs 19 onwards).

## **5 Definition of a Shift Roster**

### **5.1 Introduction**

A shift roster is defined as a schedule of work which either:

- a. covers a period of 24 hours; or
- b. alternates or overlaps to cover a period of not less than 12 hours in any period of 24 hours, with at least 4 hours between the starting times of the earliest and latest shifts.

### **5.2 Night Shift**

5.2.1 A “night” shift is defined as a shift involving at least 4½ hours work between 8 pm and 6 am.

### **5.3 Day Shift**

5.3.1 Work starting and finishing between the hours of 8 am and 6 pm on any day will be regarded as a “day” shift. If the hours of work for the workplace as a whole start before 8 am or finish after 6 pm, these hours will be regarded as a “day” shift if you are employed at that place of work, but in no case should the span of hours exceed 10.

### **5.4 Rest Days**

5.4.1 If you are conditioned to shift rota working you are eligible to receive 104 rest days per annum in addition to annual leave and the normal number of Public and Privilege holidays. Any rest days that have to be worked should be treated in the normal manner for that day.

## **6 How Shift Disturbance Allowance is Paid**

6.1 If you are a regular shift worker, Shift Disturbance Allowance will be paid as a percentage enhancement of your annual salary.

6.2 If you are a casual shift worker, Shift Disturbance Allowance will be paid as a percentage enhancement of your hourly plain time rate.

6.3 For the purpose of calculating your Shift Disturbance Allowance, salary and hourly plain time rate will include (where these are payable) supervisory and analogous allowances and any London Weighting Allowance in issue (subject to the existing limitation on calculation of overtime when London Weighting is payable).

## **7 Calculating the Standard Rates of Shift Disturbance Allowance**

### **7.1 Introduction**

The standard rate of Shift Disturbance Allowance is based on the proportion of night shifts within your roster. In calculating the rate of SDA, rest days are excluded.

### **7.2 Proportion of Night Shifts in Rota** (excluding rest days)

#### **Rate of SDA**

number of night shifts as frequent as 1 in 4	20%
number of night shifts is less than 1 in 4 but as frequent as 1 in 8	15%
number of night shifts less frequent than 1 in 8 and those rosters with no night shifts	12.5%

7.2.1 Where your rostered shift lasts 15 hours or more without a break (other than a meal break), or 23 hours or more without a break (other than a meal break), it will be regarded as two shifts or three shifts respectively.

7.2.2 Where a rostered shift of at least 15 hours includes the whole of the period 8 pm to 6 am, it will be regarded as two night shifts.

7.2.3 In rostering shift arrangements Departments will be aware of their responsibilities under the Working Time Regulations 1998 (as amended).

7.2.4 Once your appropriate rate of Shift Disturbance Allowance has been determined on the basis of night shifts, it will not be adjusted when the proportion of night shifts is subsequently affected by absences.

7.2.5 However, where you work additional shifts other than those rostered, the additional payment of Shift Disturbance Allowance will be made calculated on the basis of sections 16.2 to 16.3 below.

## **8 Calculating of the Number of “Day” Shifts Attracting Payment**

8.1 Although the rate of Shift Disturbance Allowance is based on the proportion of night shifts in a roster, payment of SDA may also be made for day shifts.

8.2 However where there is a number of consecutive “day” shifts on a shift roster (ignoring rest days), payment of Shift Disturbance Allowance will not be made for any more than six consecutive “day” shifts in any one sequence.

8.3 Subject to this over-riding limitation on the payment of SDA for consecutive day shifts:

- a. payment will be made for all “day” shifts where the number of “day” shifts in the working pattern does not exceed one-third of the total shifts in the roster (that is, one third or less of the shift working pattern is made up of day shifts);
- b. payment will be made for all “day” shifts where the number of “day” shifts exceeds one-third of the total shifts in the roster **but** the number of night shifts in the shift working pattern is at least 1 in 4;
- c. in all other cases where the number of “day” shifts exceeds one-third (1 in 3) of the total shifts in a roster, payment of Shift Disturbance Allowance will be restricted to the number of “day” shifts which represents one-third of the total shifts in the roster.

## **9 Averaging of Shift Disturbance Allowance when not all of the “Day” Shifts Attract Payment**

9.1 Where not all the day shifts in the roster attract payment (see Section 8), the total standard shift payments if you are a regular shift worker will be converted into a reduced percentage payment as follows:

- Step 1 add the number of “day” shifts attracting payment to the number of non “day” shifts and express this number as a fraction of the total shifts in the roster (for example  $\frac{1}{2}$ );
- Step 2 multiply the standard percentage allowance based on night shifts (for example 15%) by the fraction obtained at Step 1 above ( $\frac{1}{2}$ ). The result provides a reduced percentage allowance payable for all shifts (for example  $7\frac{1}{2}\%$ ), the result being rounded up to the nearest  $\frac{1}{2}\%$ .

## **10 Continuity of Payment of SDA - Regular Shift Workers**

10.1 If you are a regular shift worker, Shift Disturbance Allowance will continue to be paid in certain specified circumstances as set out below:

- a. during all periods of annual leave, rest days and bank, public and privilege holidays (or any appropriate days taken in lieu) and periods of approved absence on internal and external training occurring during shift working;
- b. during the following temporary absences from shift working -

- i. temporary transfer to day work at the request of management, including day work during the temporary suspension of a shift roster;
- ii. temporary paid absences on official business;
- iii. official authorised further education occurring during shift working;
- iv. paid sick absence (certified or uncertified);
- v. paid special leave;
- vi. paid local absence authorised under the terms of Staff Handbook section on “Special Leave”.

10.2 The continuity arrangements for the continued payment of Shift Disturbance Allowance in these instances will apply subject to the following conditions:

- a. payment may only continue where it is intended that you will return to regular shift duties at the end of the absence. In all other cases where it is not intended that you will return to regular shift duties, the provisions of the Handbook paragraphs relating to the Cessation of Payment for Regular Shift Workers, (section 12), will apply;
- b. payment of shift disturbance allowances will not be made during absences which occur immediately before the commencement of regular shift duties, such as during periods of training preparatory to and occurring immediately before, the commencement of shift working;
- c. the total of temporary absences listed at paragraph 10.1 b above which may attract continuity of payment, will be limited to 60 days in any period of 12 months. Weekends occurring within a period of absence will count towards the total for that period, but weekends occurring at the beginning or end of a period of absence will not count towards the total for that period;
- d. the rate of allowance payable to you at the start of an absence will continue to be paid even when it is known that, at the end of the absence, you will be returning to regular shift duties on a roster attracting a different percentage allowance.

10.3 When as a regular shift worker you are temporarily transferred to day work as a result of temporary promotion or deputising, Shift Disturbance Allowance will be calculated on the basis of your substantive salary and not on the temporary promotion salary or deputising allowance in payment during the temporary period of day work.

## **11 Continuity Arrangements for Seasonal Shift Workers with Regular Shift Work Status**

11.1 The continuity of payment provisions set out above will apply if you are a seasonal shift worker with regular shift worker status as follows:

- a. payment of Shift Disturbance Allowance will continue during all rest days and bank, public and privilege holidays (or any appropriate days taken in lieu);
- b. continuity of payment for all other absences listed at paragraph 10.1 above will be determined on a pro rata basis. For example, for a continuous period of shift working of 3 months in a 12 month period -
  - i. continuity of payment during annual leave should be limited to one-quarter of your annual leave allowance (all fractions being rounded up to complete days);
  - ii. continuity of payment for other absences listed at paragraph 10.1 above should be limited to a maximum of one-quarter of 60 days, that is. 15 days in any period of 12 months (all fractions being rounded up to complete days).

## **12 Cessation of Payment - Regular Shift Workers**

12.1 Payment of Shift Disturbance Allowance will not be made for any days for which salary is not paid.

12.2 Except when you are transferred to day duties at your own request, Departments will aim, whenever practicable, to give you four weeks notice of transfer to day duties, in circumstances such as when you are being posted to new duties for example. on promotion, or where the shift roster itself is being discontinued or where the shift roster is being so redesigned that you are no longer required to take part in shift duties.

12.3 Where four weeks notice is given, payment of Shift Disturbance Allowance will cease immediately when you transfer to day work.

12.4 Where four weeks notice cannot be given, you will continue to be paid Shift Disturbance Allowance after transfer to day duties for the remainder of the four week "notice period". The payment will be calculated on the rate of Shift Disturbance Allowance and salary in payment immediately prior to the transfer to day duties.

12.5 Adequate notice of re-posting to day work will be taken as the date of written notification of success in a Departmental selection board, whether by individual letter or by publication in a list of successful candidates. If you are successful in open or limited competition, notice of re-posting will be considered to be the date of written notification of the new posting.

## **13 Return to Shift Working after Transfer to Day Work**

13.1 Where you, having permanently transferred to day work, transfer back to shift work in a post attracting regular shift worker status within 30 days of commencing day duties,

the period of day work will be treated as if a temporary transfer and the normal continuity provisions (sections 10 and 11) will be applied retrospectively.

13.2 Where the period of transfer has already attracted payment in lieu of notice (as per the cessation arrangements at section 12 above), continuity of payment provisions will only apply to that period of time, if any, which is the difference between the paid period in lieu of notice and the whole period which would otherwise attract payment under the continuity arrangements, in other words continuity arrangements will not apply to any period covered by the cessation arrangements.

13.3 Where, because of the over-riding limitation on continuity payments specified under paragraph 10.2, the whole retrospective period of continuity would be less than the period which has already attracted payment instead of notice, then no additional payment will be made.

## **14 Cessation of Payment for Seasonal Shift Workers with Regular Shift Worker Status**

**14.1** If you are a seasonal shift worker with “regular shift worker” status, departments will always give adequate notice of the cessation of shift working arrangements and of any subsequent changes in the arrangements already notified. The arrangements set out in paragraphs 12.1 to 13.3 will apply to you subject to the following modifications:

- a. where you are advised from the outset of a pre-determined period of seasonal shift working, this will be regarded as advance notice of the cessation of shift duties. No payment in lieu of notice will be made if the shift duties cease on the pre-determined date. When this is not done the provisions of the paragraphs 12.2 to 12.4 above will apply;
- b. when the period of seasonal shift working cannot reasonably be pre-determined, the terms of paragraphs 12.2 to 12.4 will apply;
- c. when, having given notice of the period of seasonal shift working, management curtails the period of shift duties without four weeks advance notice of the change, you will continue to receive payment of Shift Disturbance Allowance in line with paragraphs 12.2 to 12.4, unless the cessation occurs within one month of the date on which the shift duties were originally planned to cease. In these circumstances, payment of Shift Disturbance Allowance will not be made beyond the original cessation date;
- d. when, having given advance notice of the period of seasonal working, management finds it necessary to extend the period of shift working beyond the date originally notified, you will be advised of the period of extension at its outset unless the circumstances make it impossible to set a term to the revised period of shift working. When this advice is given, it will be regarded as advance notice of the cessation of shift duties, whether the period of extension is more or less than four weeks, and no payment in lieu of notice will be made when the period of extension ends on the pre-determined date.

When you are not notified of the pre-determined period extension at the outset, paragraphs 12.2 to 12.4 will apply;

- e. when, having given you advance notice of the period of seasonal shift working, management finds it not only necessary to extend your period of shift working beyond the date originally notified, but, exceptionally, also impossible to set a term to the period of extension, you will be advised of this difficulty at the outset of the period of extension and, in these circumstances, no payment in lieu of notice will be made when the shift duties finally cease. If you are not informed at the outset that no estimate of the period of extension can reasonably be given to you, the terms of paragraphs 12.2 to 12.4 will apply;
- f. when a pre-determined extension of seasonal shift working is curtailed and four weeks notice of the cessation (as modified by (d) above) cannot be given, you will continue to receive payment of Shift Disturbance Allowance under the terms of paragraph 12.2 to 12.4 above, subject to the proviso that payment will not be made beyond the notified date on which the period of extension was planned to end.

## **15 Regular Shift Workers: Transfer to a Roster Attracting a Lower Rate of Shift Disturbance Allowance**

15.1 Except when, as a regular shift worker, you are transferred to another shift roster at your own request, Departments will aim, whenever practicable, to give four weeks notice of your transfer to a shift roster attracting a lower rate of Shift Disturbance Allowance. This applies whether you are being posted to new shift duties, for example on promotion, or because the roster of which you are a member is being re-designed.

15.2 By analogy with the treatment of an officer permanently transferred to day work, the provisions of paragraphs 12.2 to 12.5 should be applied in such circumstances unless, in a case involving promotion, the Shift Disturbance Allowance payment calculated in relation to your new substantive salary is higher than the sum previously payable.

15.3 Where, as a regular shift worker, you are permanently transferred to a shift roster attracting a lower rate of Shift Disturbance Allowance, and within 30 days you are transferred again to a shift roster attracting a rate of Shift Disturbance Allowance as high as your original rate of Shift Disturbance Allowance and to a post which attracts “regular shift worker” status, the provisions of paragraphs 13.1 to 13.3 will be applied.

## **16 Overtime Arrangements for Shift Workers**

### **16.1 Introduction**

Whenever possible, regular overtime working will be avoided. However, when operational requirements make overtime working at short notice essential, you will be expected to co-operate in working hours other than, or in excess of, your pre-determined shifts.

## **16.2 Regular Shift Workers**

16.2.1 Where excess hours are built into a shift roster, the total roster determines the rate of Shift Disturbance Allowance payable. Where hours in excess of conditioned hours are built into your roster in the form of a separate complete shift, which is taken into account in determining the percentage of Shift Disturbance Allowance payable, an additional payment of Shift Disturbance Allowance, calculated based on your hourly plain time rate of pay, will be paid for each such shift worked. The excess hours will also attract payment of overtime at the appropriate rate for the grade.

16.2.2 Where you work an additional part or full shift over and above your rostered shifts, you will be paid an additional payment of Shift Disturbance Allowance at the percentage rate of allowance applicable to the roster of which the additional shift forms a part. Payment will be calculated based on your hourly plain time rate of pay. This will be paid in addition to any overtime payment for which you may be eligible

16.2.3 Where you work additional hours on a shift roster consecutive to a rostered shift attendance and the additional hours make up a complete additional shift, you will be paid an additional payment of Shift Disturbance Allowance at the percentage rate of allowance applicable to the roster of which the additional shift forms a part. Payment will be calculated based on your hourly plain time rate of pay. The allowance will be paid in addition to any overtime payment for which you may be eligible.

16.2.4 Where you work additional hours on a shift roster consecutive to a rostered shift attendance and the additional hours are less than a complete additional shift (that is a part shift), payment will be made for any overtime applicable, but no additional payment of Shift Disturbance Allowance will be made.

## **16.3 Casual Shift Workers**

16.3.1 When you work hours in excess of conditioned hours on a shift roster and the excess hours are built into a shift roster, you will be paid an additional payment of Shift Disturbance Allowance for each rostered shift hour worked (the calculation being based on your hourly plain time rate of pay) provided that the additional payment of Shift Disturbance Allowance is not precluded under the terms of payment for “day” shifts.

16.3.2 When you work hours in excess of conditioned hours on a shift roster and the excess hours are not built into the roster (in other words when you either work an additional shift over and above your rostered shift or work additional hours on a shift roster consecutive to a rostered shift attendance), an additional payment of Shift Disturbance Allowance for each additional shift hour worked will be paid at the rate applicable to the shift roster of which the additional shift forms a part. Payment will be calculated based on your hourly plain rate of pay. This will be paid in addition to any overtime payment for which you may be eligible.

## **17 Relief Shift Duties**

17.1 If you are a day worker who occasionally relieves on a shift roster you will be regarded as a “shift worker” while carrying out these duties, except where the period of relief is less than a week or is wholly comprised of duties falling within the “day” shift period.

17.2 For the purpose of applying this rule, you will be regarded as having completed a week of shift duties if you do not resume normal duties within seven calendar days of commencing the relief duties: for example if you commence relief duties on a Tuesday and return to day duties on the following Monday you will not be regarded as a “shift worker” and will only be eligible to receive Night Duty Allowance, if appropriate.

17.3 When, as a casual or a regular shift worker, you are temporarily removed from a shift roster in order to undertake relief duties on another shift roster, the rate of Shift Disturbance Allowance payable will be that appropriate to the relief roster.

17.4 If you are a regular shift worker, however, the continuity provisions (as set out in section 10) will be applied if the relief roster attracts a lower rate of Shift Disturbance Allowance. These arrangements will not apply when you carry out relief duties in addition to your normal shift duties. In this case the provisions of paragraphs 16.2.1 to 16.2.4 will apply.

17.5 When a period of relief shift duties undertaken by you as a regular shift worker involves temporary promotion or deputising, any continuity of payment calculation will be based on your substantive rate of pay. If, therefore, a lower rate of Shift Disturbance Allowance applies to the relief shift roster, but the amount of the allowance calculated in relation to your rate of pay on temporary promotion or deputising is greater than the allowance payable under the continuity provisions, you will be paid the allowance appropriate to the relief duties.

## **18 Changes in Patterns of Working**

18.1 Departments will consult their Trade Union Side regarding the introduction, alteration and cessation of shift working, but if agreement cannot be reached, and work requirements make it necessary, management have the discretion to make the appropriate changes.

## **19 Night Duty Allowance**

19.1 If you are eligible and work between 8 pm and 6 am but are not on a shift roster you will be paid Night Duty Allowance. The allowance, which will be calculated on the same basis as for Shift Disturbance Allowance, will be paid as a percentage addition to the hourly plain time rate as follows.

<b>For hours worked between</b>	<b>Night Duty Allowance</b>
8 pm and 11 pm	25%
11 pm and 6 am	33 1/3 %

19.2 Periods of less than half an hour will not reckon for payment.

19.3 Night Duty Allowance will not be paid if you are receiving allowances for acting as Resident Clerks, or as Private Secretaries to Ministers or senior officials of Departments; nor will it be paid to you if you are in a Departmental grade employed specifically for sea-going duties.

## **20 Shift Disturbance and Night Duty Allowances: Options**

20.1 You may not be paid both Night Duty and Shift Disturbance Allowance for the same period of duty.

20.2 Where payment of Night Duty Allowance is more favourable, you may opt to receive this instead of shift payments. However, in these circumstances you will not be classified as a regular shift worker and the continuity and cessation provisions of Shift Disturbance Allowance will not apply.

20.3 Once exercised, this option may not be changed whilst you remain on the same roster, or until the attendance pattern of that roster is re-designed. These arrangements will be brought to your attention before you make your decision.

20.4 If you are a regular night worker whose hours of work all fall within or cover the entire 8 pm to 6 am period and whose post can be regarded as a regular shift worker post under the criteria of paragraph 4.2 you may choose to be regarded as a regular shift worker. In such instances you will receive the top rate of Shift Disturbance Allowance and benefit from the continuity and cessation provisions.

## **21 Shift Disturbance and Night Duty Allowances: Ceiling and Floor Payments (See Annex 1)**

21.1 Total salary or hourly plain time rate (plus reckonable London Weighting Allowance where it is payable) will not exceed the 'ceiling' level applicable to the calculation of Shift Disturbance Allowance and Night Duty Allowance.

21.2 Where the "ceiling" figure is exceeded, payment will be calculated as if salary were at the ceiling level.

21.3 Where the total salary (plus reckonable London Weighting Allowance where it is payable) is less than the 'floor' figure, payment will be calculated as if salary were at the floor level.

## **22 Shift Disturbance and Night Duty Allowances: General**

22.1 Except in the case of Shift Disturbance Allowance where the continuity and cessation provisions may apply, Shift Disturbance and Night Duty Allowances will be paid only for

periods of effective duty in the workplace or, if appropriate, on call-out: in other words these allowances will not be paid for periods spent on-call or stand by.

22.2 Shift Disturbance and Night Duty Allowances may be paid in addition to any overtime payment or premium payments for weekends or bank or public holiday.

22.3 Overtime or premium payments for weekend and bank or public holidays should not however be included in the calculation of Shift Disturbance or Night Duty Allowance.

22.4 The allowances may not be paid in addition to any Departmental time allowance.

22.5 Shift Disturbance and Night Duty allowances may not be included as reckonable allowances for the purpose of calculating overtime or weekend or bank or public holiday premium payments.

22.6 Shift Disturbance and Night Duty Allowances are reckonable for pensions purposes.

**Shift Disturbance and Night Duty Allowance: ‘Ceiling’ and ‘Floor’ Payments**

The ‘ceiling’ and ‘floor’ salary levels applicable to the calculation of Shift Disturbance and Night Duty allowances are as follows:

<i>with effect from</i>			
A.	‘ceiling’	01 08 05	£29,717
		01 08 06	£30,311
		01 08 07	£30,918
		01 08 08	£31,536
B.	‘floor’	01 08 05	£ 9,767
		01 08 06	£9,962
		01 08 07	£10,162
		01 08 08	£10,365