被上訴人主張

◎短發加班費計算表

| 月份 | 工資 | 時薪 | 平日加班時數（1.33） | 平日加班工資（1.33） | 平日加班時數（1.66） | 平日加班工資（1.66） | 假日工作時數 | 假日工作工資 | 應領加班費 | 實領加班費 | 短發加班費 | 實際每月工資 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 99.10 | 21700 | 104.0 | 32 | 4426 | 32 | 5524 | 51 | 10608 | 20559 | 13837 | 6722 | |
| 99.11 | 26250 | 109.4 | 48 | 6983 | 56 | 10168 | 60 | 13125 | 30275 | 17045 | 13230 | |
| 99.12 | 24646 | 102.7 | 50 | 6829 | 57 | 9717 | 42.5 | 8729 | 25274 | 15682 | 9592 | |
| 100.01 | 24846 | 103.5 | 44 | 6058 | 45 | 7733 | 49 | 10145 | 23937 | 14769 | 9168 | |
| 100.02 | 25058 | 104.4 | 26 | 3610 | 30.5 | 5286 | 43 | 8979 | 17876 | 10604 | 7272 | |
| 100.03 | 26846 | 111.9 | 50 | 7439 | 58 | 10770 | 48 | 10738 | 28947 | 16871 | 12076 | |
| 100.04 | 25750 | 107.3 | 38 | 5423 | 47 | 8371 | 41.5 | 8905 | 22699 | 13681 | 9018 | |
| 100.05 | 26596 | 110.8 | 42.5 | 6264 | 48 | 8830 | 60 | 13298 | 28392 | 16045 | 12347 | |
| 100.06 | 26000 | 108.3 | 38 | 5475 | 40 | 7193 | 59 | 12783 | 25452 | 14550 | 10902 | |
| 100.07 | 27600 | 115.0 | 44.5 | 6806 | 49 | 9354 | 60 | 13800 | 29960 | 16511 | 13449 | |
| 100.08 | 28100 | 117.1 | 46 | 7163 | 58 | 11273 | 36 | 8430 | 26866 | 15363 | 11503 | |
| 100.09 | 27134 | 113.1 | 34 | 5112 | 38 | 7132 | 32 | 7236 | 19480 | 11323 | 8157 | 41461 |
| 100.10 | 29100 | 121.3 | 44 | 7096 | 52 | 10466 | 55.5 | 13459 | 31021 | 16410 | 14611 | 58721 |
| 100.11 | 28500 | 118.8 | 48 | 7581 | 56 | 11039 | 48 | 11400 | 30020 | 16560 | 13460 | 53816 |
| 100.12 | 29100 | 121.3 | 34 | 5483 | 38 | 7648 | 48 | 11640 | 24771 | 12919 | 11852 | 48921 |
| 101.01 | 27600 | 115.0 | 32 | 4894 | 44.5 | 8495 | 12 | 2760 | 16149 | 10258 | 5891 | 42620 |
| 101.02 | 21254 | 88.6 | 36 | 4240 | 34 | 4998 | 0 | 0 | 9238 | 8164 | 1074 | 27950 |
| | | | | | | | | | | 總計 | 170324 | |
| | | | | | | | | | | 平均工資 | | 45581 |

| 年~月 | 240時月薪制之(底薪) | 敬業家庭津貼 | 全勤津貼 | (大)小夜輪班津貼 | 月薪制之(全薪) | 平日加班時薪 | 假日出勤加班日薪 | 假日延長加班時薪 | 平日加班總時數 | 平日延長加班 | | | | 假日出勤 | | 假日出勤延長加班 | | | | 假日加班總時數 | (勞退投保欄)月薪資應給付(總額) | 應扣及代扣項目(總額) | 應實領(金額) | 公司已給付(金額) | 月薪資短發不足之(差額) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | 時數 | 前兩小時 1.33 | 時數 | 後兩小時 1.66 | 天數 | 日薪金額 | 時數 | 前兩小時 1.33 | 時數 | 後兩小時 1..66 | | | | | | |
| 99~10 | 44,434 | 2,448 | 0 | 2,700 | 49,582 | 230 | 1,840 | 460 | 64 | 32 | 9,789 | 32 | 12,218 | 5 | 9,200 | 8 | 4,894 | 8 | 6,109 | 51 | 91,792 | 1,796 | 8,9996 | 33,545 | **56,451** |
| 99~11 | 49,371 | 2,720 | 1,000 | 5,250 | 58,341 | 243 | 1,944 | 486 | 88 | 44 | 14,220 | 44 | 17,749 | 7 | 13,608 | 14 | 9,049 | 14 | 11,295 | 76 | 124,262 | 602 | 123,660 | 42,693 | **80,967** |
| 99~12 | 49,371 | 2,720 | 1,000 | 3,070 | 56,161 | 234 | 1,872 | 468 | 91 | 46 | 14,316 | 45 | 17,480 | 7 | 13,104 | 8 | 4,980 | 8 | 6,215 | 58.5 | 112,256 | 602 | 111,654 | 39,726 | **71,928** |
| 100~1 | 51,086 | 2,120 | 1,000 | 3,250 | 57,456 | 239 | 1,912 | 478 | 89 | 44 | 13,986 | 45 | 17,853 | 5 | 9,560 | 8 | 5,086 | 8 | 6,348 | 49 | 110,289 | 623 | 109,666 | 38,992 | **70,674** |
| 100~2 | 51,086 | 4,120 | 0 | 3,250 | 58,456 | 244 | 1,952 | 488 | 48.5 | 24 | 7,788 | 24.5 | 9,923 | 5 | 9,760 | 8 | 5,192 | 8 | 6,481 | 51 | 97,600 | 4,068 | 93,532 | 32,810 | **60,722** |
| 100~3 | 51,086 | 4,120 | 500 | 3,250 | 58,956 | 246 | 1,968 | 492 | 92 | 46 | 15,050 | 46 | 18,785 | 6 | 11,808 | 12 | 7,852 | 12 | 9,801 | 64 | 122,252 | 1,156 | 121,096 | 41,834 | **79,262** |
| 100~4 | 51,086 | 4,120 | 0 | 2,750 | 57,956 | 241 | 1,928 | 482 | 68 | 34 | 10,898 | 34 | 13,602 | 7 | 13,496 | 10 | 6,411 | 10 | 8,001 | 58.5 | 110,364 | 4,031 | 106,333 | 37,190 | **69,143** |
| 100~5 | 51,086 | 4,120 | 0 | 3,000 | 58,206 | 243 | 1,944 | 486 | 80 | 40 | 12,928 | 40 | 16,135 | 7 | 13,608 | 12 | 7,757 | 12 | 9,681 | 70.5 | 118,315 | 3,975 | 114,340 | 39,813 | **74,527** |
| 100~6 | 51,086 | 4,120 | 0 | 3,000 | 58,206 | 243 | 1,944 | 486 | 78 | 38 | 12,281 | 40 | 16,135 | 5 | 9,720 | 10 | 6,464 | 9 | 7,261 | 59 | 110,067 | 5,114 | 104,953 | 37,206 | **67,747** |
| 100~7 | 51,086 | 5,000 | 1,000 | 3,000 | 60,086 | 250 | 2,000 | 500 | 84 | 42 | 13,965 | 42 | 17,430 | 7 | 14,000 | 12 | 7,980 | 12 | 9,960 | 69.5 | 123,421 | 854 | 122,567 | 43,257 | **79,310** |
| 100~8 | 51,086 | 5,000 | 1.000 | 3,500 | 60,586 | 252 | 2,016 | 504 | 88 | 44 | 14,747 | 44 | 18,406 | 5 | 10,080 | 10 | 6,703 | 10 | 8,366 | 52 | 118,888 | 2,951 | 115,937 | 41,616 | **74,321** |
| 100~9 | 51,086 | 4,084 | 0 | 4,050 | 59,220 | 247 | 1,976 | 494 | 64 | 34 | 11,169 | 34 | 13,941 | 4 | 7,904 | 6 | 3,942 | 6 | 4,920 | 40 | 101,096 | 11,422 | 89,674 | 33,304 | **56,370** |
| 100~10 | 51,086 | 5,000 | 1,000 | 4,500 | 61,586 | 257 | 2,056 | 514 | 80 | 40 | 13,672 | 40 | 17,065 | 7 | 14,392 | 10 | 6,836 | 10 | 8,532 | 71.5 | 122,083 | 1,400 | 120,683 | 44,110 | **76,573** |
| 100~11 | 51,086 | 5,000 | 1,000 | 4,500 | 61,586 | 257 | 2,056 | 514 | 88 | 44 | 15,040 | 44 | 18,771 | 6 | 12,336 | 12 | 8,203 | 12 | 10,239 | 64 | 126,175 | 4,704 | 121,471 | 40,356 | **81,115** |
| 100~12 | 51,086 | 5,000 | 0 | 4,500 | 60,586 | 252 | 2,016 | 504 | 64 | 32 | 10,725 | 32 | 13,386 | 5 | 10,080 | 10 | 6,703 | 10 | 8,366 | 56 | 109,846 | 9,194 | 100,652 | 37,069 | **63,583** |
| 101~1 | 53,657 | 4,220 | 1,000 | 3,600 | 62,477 | 260 | 2,080 | 520 | 68.5 | 34 | 11,757 | 34.5 | 14,890 | 2 | 4,160 | 4 | 2,766 | 4 | 3,453 | 20 | 99,503 | 1,129 | 98,374 | 36.729 | **61,645** |
| 101~2 | 53,657 | 3,236 | 0 | 2,620 | 59,513 | 248 | 1,984 | 496 | 66 | 34 | 1,1215 | 32 | 13,174 | 1 | 1,984 | 0 | 0 | 0 | 0 | 4 | 85,886 | 2,125 | 83,761 | 26,876 | **56,885** |
| 總計： | (1)、99年10月以(17280)元。(2)、100年1月起以(17880)元。(3)、101年1月起(18780)元爲計算基礎。 | | | | | | | | | | | | | | | | | | | | 1,884,095 | 55,746 | 1,828,349 | 647,126 | 1,181,223 |
| 備註:1 | 99年10月係以(17280)÷(2週)84小時×實際出勤(216)小時工時＝底薪44434元＋家庭津貼2,448＋輪班津貼2,700＝全薪49,582÷216＝時薪230元×8＝日薪1,840元。 | | | | | | | | | | | | | | | | | | | | | | | | |
| 備註:2 | 99~10~101~2總月薪應給付總額1,884,095元－(應(代)扣款項55,746元＋公司已給付金額647,126)＝公司短少發之薪水及加班費共1,181,223元。 | | | | | | | | | | | | | | | | | | | | | | | | |
| 備註:3 | 100年9月至101年2月；6個月薪資總額101,096＋122,083＋126,175＋109,846＋99,503＋85,886÷6＝六個月的平均薪資為107,432元。 | | | | | | | | | | | | | | | | | | | | | | | | |

附表 2

員工姓名:吳松霖 補加班費　　工號:B1305

| 日期 | 單月月薪 | 時薪 | 1倍時數 | 1.33倍時數 | 1.66倍時數 | 加班費 | 實發加班費 | 差額 |
|---|---|---|---|---|---|---|---|---|
| 2010/10 | 21700 | 100.46 | 35 | 40 | 40 | 15,532 | 13,837 | 1,695 |
| 2010/11 | 26250 | 109.38 | 48 | 58 | 58 | 24,218 | 17,045 | 7,173 |
| 2010/12 | 24646 | 102.69 | 42 | 54.5 | 53 | 20,791 | 15,682 | 5,109 |
| 2011/01 | 24846 | 103.53 | 33 | 52 | 53 | 19,684 | 14,769 | 4,915 |
| 2011/02 | 25058 | 104.41 | 35 | 32 | 32.5 | 13,731 | 10,604 | 3,127 |
| 2011/03 | 26846 | 111.86 | 40 | 58 | 58 | 23,873 | 16,871 | 7,002 |
| 2011/04 | 25750 | 107.29 | 37.5 | 44 | 45 | 18,317 | 13,681 | 4,636 |
| 2011/05 | 26596 | 110.82 | 46.5 | 52 | 52 | 22,383 | 16,045 | 6,338 |
| 2011/06 | 26000 | 108.33 | 40 | 48 | 49 | 20,061 | 14,550 | 5,511 |
| 2011/07 | 27600 | 115.00 | 45.5 | 54 | 54 | 23,800 | 16,511 | 7,289 |
| 2011/08 | 28100 | 117.08 | 32 | 54 | 54 | 22,651 | 15,363 | 7,288 |
| 2011/09 | 27134 | 113.06 | 28 | 38 | 38 | 16,011 | 11,323 | 4,688 |
| 2011/10 | 29100 | 121.25 | 47.5 | 52 | 52 | 24,611 | 16,410 | 8,201 |
| 2011/11 | 28500 | 118.75 | 40 | 56 | 56 | 24,634 | 16,560 | 8,074 |
| 2011/12 | 29100 | 121.25 | 36 | 42 | 42 | 19,592 | 12,919 | 6,673 |
| 2012/01 | 27600 | 115.00 | 12 | 38 | 38.5 | 14,542 | 10,258 | 4,284 |
| 2012/02 | 21254 | 88.56 | 4 | 34 | 32 | 9,063 | 8,164 | 899 |
| | | | | | | | 補發合計 | 92,901 |

2011/9～2012/2 合計32,819

附表 3