

1-24-80

CASE CLOSED
LOGGED AND FILED
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P 208.2(c)

MEMORANDUM OF DISPOSITION

FACT FINDING COMMITTEE CASE NO. 1386-79-327
EAST BAY DIVISION GRIEVANCE NO. 1-826-79-182

On January 15, 1980 the Fact Finding Committee, comprised of Messrs. L. N. Foss, Assistant Business Manager, Local 1245, I.B.F.W.; S. A. Thomas, Union Business Representative; P. E. Pettigrew, Industrial Relations Representative; and T. C. Phebus, Labor Relations Representative; met to discuss this grievance. Observing was Ms. M. A. Short, Labor Relations Representative.

The Committee reviewed the Joint Statement of Facts and determined it was accurate.

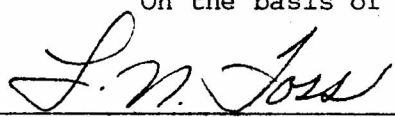
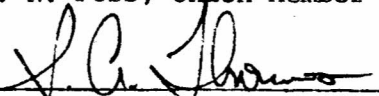

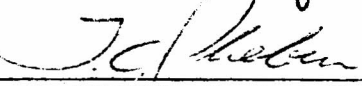
This grievance concerns the grievant, a Control Operator from Oleum Power Plant, being required to work the hours of 0820 through 1600 on the second of two consecutive days off. The hours of the grievant's preceding workday were 1600 through 2400 and the hours of his next regular shift were 2400 through 0800. The unresolved issue concerns the grievant's eligibility for overtime compensation at the double time rate of pay for the hours worked on his normal day off.

In analyzing this case, the Committee reviewed and discussed Title 208 of the Physical Labor Agreement, as well as the Company's Clarification - Application of Double Time Provisions - Title 208. The Committee noted that Section 208.2(c) requires that under most circumstances, an employee who is required to work on a non-workday will be paid at the double time rate for work performed in the eight hour period immediately preceding his or her next regularly scheduled work hours. Section B of the Clarification establishes the hours of the preceding workday as the employee's regular hours for the purpose of determining entitlement to the double time rate for work performed on a shift employee's non-workday. However, Section B also stipulates that in the case of a shift employee who is scheduled to return to a 2300 through 0700 shift from a non-workday, his or her entitlement to double time compensation shall begin at 1500 hours.

The Committee agreed that while the Clarification does make specific reference to those shift employees who are returning to a 2300 through 0700 shift, this provision also applies to shift employees who are returning to a 2400 through 0800 shift and that the entitlement to double time would begin at 1600 hours as a result. Accordingly, it is the determination of the Fact Finding Committee that the grievant was properly compensated and is not entitled to the double time rate of pay for the hours worked on his non-workday.

It was mutually agreed that this Memorandum of Disposition would receive system-wide distribution in an effort to guide future decisions concerning double time entitlement pending the modification of the Clarification.

On the basis of the foregoing, this case is considered closed.

 L. N. FOSS, Union Member	Concur/ Dissent	<u>JAN 24, 1980</u> Date
 S. A. THOMAS, Union Member	Concur/ Dissent	<u>1/23/80</u> Date
 P. E. PETTIGREW, Company Member	Concur/ Dissent	<u>1-24-80</u> Date
 T. C. PHEBUS, Company Member	Concur/ Dissent	<u>1-18-80</u> Date