

FACT FINDING COMMITTEE  
MEMORANDUM OF DISPOSITION

**CASE CLOSED**  
**LOGGED AND FILED**

FACT FINDING NO. 99-78-292  
NORTH BAY DIVISION GRIEVANCE NO. 4-527-78-90

RECEIVED APR 12 1979

SUBJECT OF GRIEVANCE:

This grievance concerns a Light Crew Foreman who, (1) volunteered to work the day after Thanksgiving Holiday (November 25, 1977), (2) went on Compensation Payroll from March 3, 1978 through June 25, 1978, and (3) did not elect to take an in-lieu holiday prior to June 1, 1978. He was not given an in-lieu day off, nor was he given overtime compensation for the first workday following June 1, 1978.

DISCUSSION OF GRIEVANCE:

The Fact Finding Committee met and reviewed the facts of this case in view of the provisions of Title 103, Holidays. The issue focused on whether the grievant qualified for the in-lieu holiday under Section 103.1 and 103.5, and if so, was there a violation of either Section.

Addressing itself to the issue of qualifying for the in-lieu holiday, the Committee agreed that the grievant contractually qualified for the in-lieu holiday by working on November 25, 1977. However, when he transferred to Compensation Payroll on March 3, 1978 he was no longer on active status. In previous decisions the Pre-Review Committee was of the opinion that Section 103.1 applied to employees on active status, and not to employees on Compensation Payroll.

The Fact Finding Committee found no violation by the Company of the "election of another day" provisions of Section 103.5. No election of an alternative day was made by the grievant, the Company did not reject his election, and he suffered no monetary loss in this situation.

DISPOSITION

The Fact Finding Committee agreed that no violation of the Agreement occurred in this instance and therefore grievant was not entitled to an adjustment. The case is considered closed.

<u><i>D. J. Bergman</i></u> D. J. BERGMAN, For Company	Concur/Dissent	<u>4-5-79</u>
	Date	
<u><i>J. Deitelgeorge</i></u> J. DEITELGEORGE, For Company	Concur/Dissent	<u>2-12-79</u>
	Date	
<u><i>L. N. Foss</i></u> L. N. FOSS, For Union	Concur/Dissent	<u>4/5/79</u>
	Date	
<u><i>D. Fortier</i></u> D. FORTIER, For Union	Concur/Dissent	<u>3-30-79</u>
	Date	

NOTE: Company and Union mutually agreed on 1/10/79 to distribute settlement of this case.

