

Date: November 15, 1988
To: VARIOUS
From: INDUSTRIAL RELATIONS
Subject: Clarification of Amendment to Section 104.10 File #:
of the Physical Agreement



REGIONAL/BUSINESS UNIT H.R. MANAGERS:

The amendment to Section 104.10 of the Physical Agreement allowing for the payment of missed meals and a half-hour time allowance for each meal has generated a number of questions recently. One question in particular has been asked by several Regions and the response from this Department has not reflected the understanding reached at the bargaining table.

The question is: If when released from work an employee is entitled to more than one meal, the corresponding time allowances, and a rest period, how is the employee to be compensated?

A distinction must be drawn between the meal time allowance an employee is entitled to upon dismissal and the other meal and time allowance entitlements accrued during overtime work. The meal upon dismissal shall be recorded as the first half-hour after release and is paid at the overtime rate in effect upon dismissal. Because of accounting difficulties, the other meals may have to be recorded at the conclusion of the regular hours of work or the work period and are also paid at the overtime rate in effect upon dismissal. Except for one meal entitlement and travel time home, an employee shall be paid straight time for the rest period. The additional meal time allowances are additional pay.

Example #1: Regular schedule 8 a.m. to 4:30 p.m., Monday through Friday. Employee called out at 9 p.m. and is released at 8 a.m. on a workday to go on a rest period. While working the employee qualified for meals at 1 a.m. and 5 a.m. which he elected to forego.

The employee would be paid:

1. Double time for all time worked until release.
2. \$28 cash the next workday for the two missed meals (104.2 and 104.10b).
3. Double time from 8 a.m. to 8:30 a.m. for the 5 a.m. meal time allowance (104.10a and 208.11 a and c).

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4. Double time from 8:30 a.m. to 9 a.m. for travel time home (Review Committee Decision #1575). Straight time from 9 a.m. to 12 noon and 12:30 p.m. to 4:30 p.m. (208.11c).
5. Double time from 4:30 p.m. to 5 p.m. for the 1 a.m. meal missed. This is not to be considered time worked but a time allowance for the meal missed (104.10a).

Example #2: Regular schedule 8 a.m. to 4:30 p.m. Monday through Friday. Employee is called out at 8 a.m. on Sunday and continues to work until 11:30 a.m. Monday and is released. The employee qualified for meals on Sunday at noon, 4 p.m., and 8 p.m., and on Monday at midnight, 4 a.m., and 8 a.m. all of which he elected to forego.

The employee would be paid:

1. Double time for all time worked until release (208.2c and 208.11f).
2. Six meals at \$14 = \$84 cash the next workday (104.2 and 104.10b).
3. Double time on Monday from 11:30 a.m. to noon for the 8 a.m. meal (104.10a and 208.11 a and c).
4. Double time from noon to 12:30 p.m. travel time home (RC #1575).
5. Straight time from 12:30 p.m. - 4:30 p.m. on Monday (208.11c).
6. Double time from 4:30 p.m. to 7 p.m. on Monday. (Time allowance pursuant to 104.10 (a) for the five missed meals.)


RICHARD B. BRADFORD

MAShort(223-1123):mf