REVIEW COMMITTEE DECISION

R. C. FILE NO. 108 - SAN JOAQUIN DIVISION GRIEVANCE NO. 124

Interpretation of Section 104.1

SUBJECT OF GRIEVANCE:

Two employees were called out to perform switching at 9:30 a.m. on a non-workday. They completed their work and returned to headquarters at 1:00 p.m. and ate a meal between 1:00 and 1:30 p.m. Time cards and meal tags were submitted to cover one-half hour meal time and the cost of the meals. Division supervision rejected the claims primarily on the basis that the agreement provides employees' meals on emergency assignments at four hour intervals. The time cards which were submitted were approved by the local supervisor.

STATEMENT AND DECISION:

In a previous grievance (Decision - R. C. File No. 61) this Committee decided that in the borderline case which was the subject of the grievance, a meal was to be provided at Company expense. One of the influencing factors of such decision was that the time card for the meal period was approved in the district where the supervisor was familiar with the specific conditions of the overtime work.

In the instant case, this same factor is present and likewise the grievance may be considered a borderline case. Company should, therefore, provide the meals. In arriving at this decision, the Committee has not overlooked the possibility that local supervisors may use poor judgment in approving meals within the framework of the contract provisions. In such cases there is a responsibility to inform the parties involved that good judgment was not exercised in following the meal provisions of the contract, and that under such circumstances, where it is not a borderline case, approval will not be given.

For Union:

Russell Stone, Jr.
Paul Devlin
Elmer B. Bushby

By Elmer B Bushby

Date May 31, 1956

For Company:

R. D. Smith
C. L. Yager
V. J. Thompson

By V J Thompson

Date May 8, 1956

VJT:MMC