

REVIEW COMMITTEE DECISION

Subject of Grievance

A shift helper (W. Barbee) at Martinez Power Plant was scheduled to work outside of his regular work hours, under the provisions of Section 208.19A, from 8:00 a.m. to 4:00 p.m. on August 25, 1955. He reported early and worked the 12:00 midnight to 8:00 a. m. shift on such day and was paid for such work at the overtime rate of pay. The Union contended that the employee was entitled to additional pay at the straight rate for a six-hour rest period which overlapped his regularly scheduled hours of 8:00 a. m. to 4:00 p. m. on August 25. The Union's argument is based on the provisions of Section 208.11. The Division claimed that Section 208.11 was not applicable.

Statement and Decision

Section 208.19A indicates that where an employee is transferred from one schedule of work hours to another for one day or less, the time worked by him shall be considered as time worked outside of regular work hours on a work day.

Section 208.11 states that if an employee has worked for eight hours or more at the overtime rate during the 16-hour period immediately preceding the beginning of his regular work hours on a work day, he shall be entitled to a rest period of six consecutive hours. Subsection (c) under Section 208.11 further states that if the six-hour rest period, in whole or in part, overlaps the employee's regular work hours, he will receive pay at the straight rate for the extent of the overlap.

Applying these provisions to the facts of this case, this Committee believes that W. Barbee is entitled to additional pay at the straight rate for six hours. The rest period, to which he was entitled under Section 208.11, overlapped his regular work hours on August 25, 1955.

For Union:

For Company:

Russell Stone, Jr.
Paul Devlin
Elmer B. Bushby

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

By

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Date

11-5-56

Date

11-1-56