

REVIEW COMMITTEE DECISION

Review Committee File No. 369
San Joaquin Division Grievance No. 25-179

Subject of Grievance

This grievance concerns a line crew's request to be reimbursed for a meal purchased by them shortly after 5:00 PM on a Saturday. The grievants performed emergency overtime work on a Saturday from 8:00 AM until 5:00 PM and the facts show that Company provided their lunch and paid for the time to eat it between 12:00 noon and 12:30 PM. Following dismissal from work, the employees ate a meal at a local restaurant and later submitted meal tags and timecards requesting payment for the meal and the time taken to eat it. The Division denied their claims, contending that the employees were dismissed in time to observe their usual meal practice.

Discussion

The grievance concerns the application of Section 104.2 and 104.1 of the Agreement. It should be noted at the outset that Section 104.1, which provides the intent of the parties respecting the provisions of meals, was negotiated at a later date than Section 104.2 and was therefore intended under certain factual situations to modify the provisions of the latter Section. For example, in a previous grievance which was submitted to the Review Committee following the negotiation of Section 104.1 a meal was provided even though the employee had not performed four or more hours of emergency overtime work as required in Section 104.2, since the work performed interfered with the employee's customary meal practice.

In the case at hand, it is noted that the employees performed emergency work during what would be their regular hours of work on a work day in addition to one-half hour beyond regular hours of work. They also followed the customary noon meal practice when the work was stopped at 12 o'clock in order that they could be provided a meal. Had this situation occurred during the employees' regular days of work, it is obvious that they would not have been entitled to the second meal under the provisions of Section 104.4 nor would Section 104.1 have been applicable. In the present grievance, even though they have worked the hours required in Section 104.2, this Section is not applicable because under the intent of Section 104.1 the employees were not prevented from observing their regular and customary meal practices.

Decision

The employees concerned are not entitled to the second meal.

FOR UNION:

R. W. Fields
W. M. Fleming
L. L. Mitchell

By

L. L. Mitchell

Date

March 13, 1962

FOR COMPANY:

E. F. Sibley
C. L. Yager
V. J. Thompson

By

V. J. Thompson

Date February 28, 1963