

REVIEW COMMITTEE DECISION

Review Committee File No. 732
Stockton Division Grievance Committee No. 16-66-8

Facts

At the conclusion of their work day, a line crew in the Stockton Division continued to work until 5:55 or 5:56 PM when they were dismissed at their headquarters. Two of the crew members ate following their dismissal and two did not. Each requested one-half hour additional pay at the overtime rate and the two who ate following the dismissal from work requested reimbursement for the cost of the meal.

Discussion

Section 104.4 read literally seems to require that the employees must continue at work until at least one and one-half ($1\frac{1}{2}$) hours following the conclusion of the work day. At the outset this language is at odds with other provisions that work be performed for approximately one and one-half or four hours, the word "approximately" even appearing later in Section 104.4 when reference is made to the times for providing the first and subsequent meals. Equally confusing, to the employees, is the fact in this very instance they were paid for work performed until 6:00 PM, yet on the other hand, told they were not entitled to a meal because they had not performed work until that very same time.

It may very well be that a reading of the section could lead to the conclusion furnished the grievants. At the same time, however, the Review Committee is of the opinion that a continued technical application of the section is inconsistent with the practical approach suggested by the introductory section to this Title.

Decision

For the reasons given above, if in the future the employee is entitled to pay for one and one-half hours or more for work performed beyond his regular work hours, he shall, at the same time, be entitled to a meal under the provisions of Section 104.4.

FOR UNION:

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By D. J. McPeak
Date April 28, 1967

FOR COMPANY:

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