TITLE 208
TITLE 214

REVIEW COMMITTEE DECISION

Review Committee File No. 1234
San Jose Division Grievance No. 8-72-40

Statement of Fact

The grievants, while on an established "extended workweek", performed emergency work on Friday night, December 8, continuing until 7:30 A. M., Saturday, December 9. Total work time at the overtime rate of pay consisted of more than eight hours during the 16-hour period preceding the beginning of their scheduled work time on Saturday. Upon completion of the overtime assignment, the General Foreman told them they could go home on rest period instead of reporting for work at 8:00 A. M., Saturday, the 6th scheduled work day of the extended workweek. The General Foreman subsequently informed the grievants that they would not be paid for the time off on rest period Saturday, December 9.

Discussion

The essential question here is whether the 6th work day of a scheduled extended workweek falls within the meaning of a "scheduled work day" as used in Section 208.11. If so, the grievants should be paid for a "rest period" after being excused from working the scheduled Saturday work hours. It is the opinion of the Review Committee that it is, and for this reason the provisions of Section 208.11 are applicable to the factual situation set out above.

There is an additional problem. Section 208.11 provides for the payment at the straight rate of pay for the rest period. In the present circumstances, grievants would have been entitled to overtime rate of pay had they worked. Thus, under strict application of 208.11, grievants will not be fully compensated for the overlap between the rest period and their "scheduled work day". There is nothing in the Agreement at the present time, however, which would authorize payment at other than the straight rate of pay.

Decision

As the grievants have not been paid for the scheduled Saturday work hours, they are entitled to be paid at the straight rate of pay for a "rest period" as provided for in Section 208.11

FOR UNION:

W. H.Burr
E. R. Sheldon
L. N. Foss

By L. N. Foss

Date 21 August 1973

FOR COMPANY:

J. A. Fairchild
H. J. Stefanetti
L. V. Brown

By L V Brown

Date 21 August 1973