

REVIEW COMMITTEE DECISION

R. C. FILE NO. 128 - SAN JOAQUIN DIVISION GRIEVANCE NO. 126 --
Vacation Pay Allowance - Harold Wright, Truck Driver, Balch Camp

SUBJECT OF GRIEVANCE:

At the request of the employee, Company allowed him to schedule a one week vacation from December 24 through December 29, 1955. During that period, however, flood conditions prevailed and the employee's services were utilized by Company to perform emergency work. Roads were washed out and it was not practicable for the employee to leave the camp. After the emergency work had been completed, Company requested the employee to sign a vacation deferment application. Union claims the employee was told he would lose his vacation if he did not sign the application and that Company said he could not be paid his vacation allowance in accordance with Contract Section 211.14.

STATEMENT AND DECISION:

Section 211.14 states that if an employee foregoes his vacation Company shall pay him for the time worked and, in addition, shall pay him a vacation allowance, provided that an employee shall not be permitted at his option to forego his vacation for the purpose of receiving vacation pay.

In the instant case, it is difficult to determine from the record whether the employee was asked by the Company to forego his vacation because of the emergency conditions or whether the employee believed that it was beneficial to him to postpone his vacation because flood conditions had impaired travel from camp. Inasmuch as a definite understanding was not reached concerning this point prior to the employee's performance of emergency work at Company's request, this Committee believes that the matter should be resolved by paying the employee a vacation allowance for the period involved and canceling his request for vacation deferment.

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