

REVIEW COMMITTEE DECISION

Review Committee File Number 186  
San Joaquin Division Grievance Number 140

Subject of Grievance

Between the dates of February 2, 1958 and September 26, 1958, a number of employees in the Gas Meter Shop at Fresno were scheduled to work at other than their regular work hours. Union contended that such employees were entitled to overtime pay for all of such work performed. The Division insisted that the change in work hours was accomplished by oral agreement with the Union under the provisions of Section 202.16 of the Labor Agreement. For such reason, the Division contended that the work was properly compensated for at the straight time rate. This grievance was referred to the Division Joint Grievance Committee, but was not settled. Thereafter, it was referred to the Review Committee. Initial discussions in the Review Committee failed to decide the issue and the Union referred the grievance to arbitration. Later, however, the grievance was reassigned by the Union to the Review Committee for possible settlement.

Statement and Decision

Both the Company and the Union members of this Committee have endeavored to gather information which would serve to reveal whether a mutual change in work hours for employees in the Fresno Meter Shop was arranged between the local Union and Company representatives. Evidence of such an arrangement has not been found, but it does appear that discussions of some sort took place at the local level concerning the Meter Shop work schedule. Some circumstances of the case indicate a possibility of Union acquiescence but nothing conclusive can be determined. For this reason, and because the Company and the Union in September, 1959 amended the Labor Agreement to provide for work schedules at other than regular hours when meter shop facilities were involved, this Committee has reached a decision to compromise this case. If pay adjustments for the employees who worked were calculated at their respective overtime rates, the total sum would be \$2,626.71. It is, therefore, decided that a settlement shall be effected at 50% of this total figure and each of the twelve employees who worked outside of regular work hours during the period involved shall be paid his pro rata share of such 50% adjustment based on payroll records showing the number of hours he worked and the amount of pay he would have earned at the overtime rate.

FOR UNION:

Kenneth Stevenson  
W. M. Fleming  
L. L. Mitchell

By L. L. Mitchell

Date 12-15-60

FOR COMPANY:

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

By V. J. Thompson

Date 12-12-60