

## **ISSUE:**

Does the contract language in Article 6, Paragraph 11, Sections a and c empower the Company to deny a member from reporting to his normally scheduled shift if said member works sixteen (16), but less than twenty (20), consecutive hours (exclusive of day trades) provided the member's rest period prior to the return of his normally scheduled shift is less than eight (8) hours, and the member does not request a rest period?

## **LANGUAGE NEEDING INTERPRETATION:**

11. a. *Employees who work sixteen (16) consecutive hours (excluding any shift/day trades) or more must be given a rest period of at least eight (8) hours before being required to report to work again if requested by the Employee. In the event that this rest period extends into a regular work shift, (excluding any overtime or shift/day trade work shift) the Employee will be paid for such time lost at his regular straight time rate.*
- b. In the event an Employee's paid rest period would result in his returning for two (2) hours or less of his regular work shift, the Employee may elect not to return, and to take off the remainder of the regular work shift without pay as an approved absence.
- c. If an Employee is entitled to paid rest under a. above, and the Company requests and the Employee agrees to forego the paid rest, such Employee will remain at the applicable overtime rate until he is relieved for at least eight (8) hours rest.
- d. An Employee whose shift ends after working twenty (20) consecutive hours but not greater than twenty-four (24) consecutive hours (including any shift/day trades) will be given a mandatory rest period of at least eight (8) hours before being allowed to report to work again. In the event that this rest period extends into a scheduled work shift after at least twenty (20) consecutive hours the Employee will be paid for such time lost at his regular straight time rate.
- e. Employees which have been on shift and on the clock for twenty-four (24) consecutive hours or more will not be subject to any mandatory overtime selection process.
- f. When an Employee receives at least an eight hour rest period, such Employee's twenty-four (24) hour clock will be reset for pay purposes in determining applicable rate of pay.

### **OTHER INTERPRETATIONS THAT CAN BE MADE:**

A member picking up the contract cold and reading it for the first time without applying past settlements and contract negotiation language intent can interpret Article 6, Paragraph 11, Sections a and c to mean that a member is empowered to work his normally scheduled shift provided he is not subject to a mandatory rest period as outlined in Article 6, Paragraph 11, Section d. For example: A member works his normally scheduled day shift; next he works overtime onto evening shift; next, he clocks out and does not request a rest period; next, he reports to work for day shift (after a seven and a half (7.5) hour rest) the next day and receives the applicable rate of pay (double time) when he left the clock.

The above example given is not allowed in our current Collective Bargaining Agreement.

### **POSITION OF THE ASSOCIATION:**

The position of the Airline Representatives for the purpose of addressing the above outlined issue is the Company never relinquished its right at the last contract negotiations to request or deny a member's return to his normally scheduled shift provided that member left the clock (punched out) with an accumulated consecutive hour total greater than sixteen (16) but less than twenty (20) exclusive of any shift/day trades. The purpose of the language added to Article 6, Paragraph 11, Section a (*if requested by the Employee*) was to clarify the Employee has a contractual right to request a rest period of eight (8) hours when his consecutive hours on the clock reaches sixteen (16) hours, exclusive of shift/day trades. The Company cannot force a member to stay on the clock when that member requests as outlined above.

The Company has the contractual right to either deny or request a member to return to the clock for his normally scheduled shift until that member has received an eight (8) hour rest period once that member leaves the clock (punches out) after being on the clock for sixteen (16) consecutive hours exclusive of any shift/day trades.