

January 24, 1997

TO ALL STEWARDS,

It appears that there is some confusion on what constitutes make-up overtime. I will attempt to clarify this issue but will not cover every case scenario.

Some of you are under the impression that if overtime is worked by one person then the whole section should get a make-up. This is not true. Arbitrators have consistently ruled that a make-up is on a one for one basis, i.e. 5 junior employees are kept bypassing the senior 10 employees on the list. Only the 5 senior employees are entitled to a make-up not all 10.

Make-up overtime can be called simultaneously with regular overtime in a few circumstances. For example, if management determines they only need 3 people to work overtime and it is the top 3 employee's on the overtime desired list turn to work, they can be scheduled. Now if the 8th person on the list has a make-up opportunity due them, they can also be scheduled with the first 3 and that would constitute a make-up because it would be at a time when they would otherwise not be entitled to overtime. This does not take them out of the rotation and when management gets to their name in the rotation, they would still be eligible for the overtime at that time. Management does not have to make-up the overtime at a time when there is nothing else to do. They simply must make up the overtime in a similar situation when the employee would not otherwise be entitled to overtime. In other words it can not be at a time when the employee would have worked anyway but can be at a time when management would not have gotten to that employee on the list to work.

There is no requirement that the overtime makeup be given in the employee's section per grievance settlement 77-90-5444. However, management can not use an Incoming OTDL employee on make-up in the Outgoing section unless all of the available volunteers in the Outgoing section are being utilized on overtime.

If the make-up is for an 8-hour bypass (day off) the make-up should be for a day off. Management should not force the employee to make up a day off overtime by-pass by scheduling 2 hours of make-up overtime on 4 different days. This is what is meant by "similarly situated".

There also is no provision for make-up when an employee on the overtime desired list is by-passed by someone not on the overtime desired list. In this situation, pay is the appropriate remedy. Pay is also the appropriate remedy for someone bypassed on a holiday schedule.

There is no make-up due a person not on the list who was by-passed by another person not on the list. The appropriate remedy would be to request that the person who was improperly forced to work be compensated an additional 50% pay. There is nothing for the person who should have been forced to work but did not. They simply got lucky.

If you are not sure if a make-up is in fact a make-up, contact your craft director or site coordinator. If they are not sure they can contact the Vice-President or President.

Grievance Review Committee