

**Issue: Out of Schedule Premium
Articles 8.4.B, 19, 37**

Documentation	Explanation
All grievance paperwork	All paperwork developed and utilized in grievance procedure
Chronology of events - being specific about the facts that lead to dispute. Normally this will be a statement by grievant(s)	Normal situations would include: temporary schedule changes at the request of employer; limited duty; administrative errors regarding move to new jobs or improper details; improper pool and relief assignments and improper unencumbered movement
Applicable regulations such as the ELM; EL-40 1; F-2 1; or F-22, contractual language, e.g., 8.4.13 and 37.31	Depending on the situation, tie in the appropriate language found in handbooks or CBA. Examples would include not moving to new job, limited duty off tour, relief assignment, etc.
Personnel notices or memoranda which list successful bids, temporary assignments, short or long term details, and unencumbered assignments	Proves whether management moved you in a timely manner; whether temporary assignment legitimate; whether detail proper, etc.
Management correspondence or completed forms	Written notification on detail, temporary assignment, limited duty hours, Form 1723, etc.
Notes from interview with appropriate supervisor or manager	
Time records - ETC, for period of time in dispute	Our burden is to prove the action by management was not for the personal convenience of employee
Applicable case law. Remember difference between precedent and persuasive value	Establishes hours actually worked. Also allows for a specific remedy
	All paperwork developed and utilized in grievance procedure. Strengthens case through Step 4s, national arbitrations or pre-arbs, regional arbitrations or pre-arbs. Cites must be on point

Advocates - Out of Schedule Premium

Articles 8.4.B, 19, 37

Needs

✓ **Areas of dispute** involve such things as:

- ☞ Not placing employee into duty assignment in a timely manner - see Article 37.3.F.[1.a; 2; 3.a; 3.b(3)c.; 4.b(3) c.].
- ☞ Temporary schedule changes at the request of the Employer.
- ☞ Limited duty assignment unlike a light duty assignment requires accommodation on tour to the extent possible - ELM 546.141.
- ☞ Administrative errors by the Employer which cause different work hours or improper work hours.
- ☞ Improper usage of pool and relief employee.

Areas not in dispute involve such things as:

- ☞ PTFs - premium only involves full-time regulars.
- ☞ Change of hours or days off for light duty assignment - this is one of nine exceptions found in 434.6 of the ELM. Be sure to review attachment #1 for other exceptions.
- ☞ Detailed to non-bargaining unit assignment, see Article 37.3.A.8., last paragraph.
- ☞ Proper application of pool & relief assignment, see Article 37.3.F.9 and national Memorandum of Understanding.
- ☞ Movement of unencumbered employee within first twenty-eight (28) days or after one-hundred-eighty (180) days from previous change, see Article 37.4.B.

- ☞ Different work hours on a holiday, or holiday weekend when properly notified.
- ☞ Out of schedule premium not subject to Article 8.5, ODL, see national case by Mittenthal, part of a later attachment which goes to synopses of this issue.
- ✓ Enclosed as attachment #2 is the early history of out of schedule premium. It should be noted language has been added in recent contracts to exclude out of schedule for non-bargaining unit employees and proper movement of unencumbered employees.
- ✓ Synopses of case law from the 70s and 80s. Please take note synopses is done chronologically and therefore national and regional cases are mixed together. The alpha-numerics of each case and the arbitrator's name should tell you which are which; see attachment #3.
- ✓ Closing statement on issue - see attachment #4. You could argue Step 4s in a better fashion. Also may want to update case law.
- ✓ 1993 Step 4 decision on out of schedule premium dispute for on-the-job-instructor; see attachment #5.