

## PACIFIC GAS AND ELECTRIC COMPANY

PGE

+ 245 MARKET STREET • SAN FRANCISCO, CALIFORNIA 94106 • (415) 781-4211 • TWX 910-372-6587

May 1, 1981

Local Union No. 1245  
 International Brotherhood of  
 Electrical Workers, AFL-CIO  
 P. O. Box 4790  
 Walnut Creek, California 94596

Attention: Mr. J. K. McNally, Business Manager

Gentlemen:

Attached is the completed draft of the guidelines for use in the administration of "Title 104 - Meals" of the Physical Agreement dated September 1, 1952. These guidelines will be used as a basis for settling all current and future grievances over meal entitlement.

It is proposed that these guidelines be effective immediately upon agreement between Company and Union, and that they continue in effect until amended by mutual agreement, or until either party has given to the other 30 days' written notice of its termination.

If you are in accord with the foregoing and the attachment and agree thereto, please so indicate in the space provided below and return one executed copy of this letter to Company. It is understood that, in the event that a grievance relating to the provisions covered by these guidelines is referred to arbitration, the specific language of the Agreement of September 1, 1952, as amended, shall govern.

Yours very truly,

PACIFIC GAS AND ELECTRIC COMPANY

By *Al Bonbright*  
 Manager of Industrial Relations

The Union is in accord with the foregoing and the attachment and it agrees thereto as of the date hereof,

LOCAL UNION NO. 1245, INTERNATIONAL  
 BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO

*Sept 22*, 1981

By *Jack McNally*  
 Business Manager

Booklet available in printed form

GUIDELINES

For Use In The

ADMINISTRATION

Of

TITLE - 104 - MEALS

PHYSICAL AGREEMENT

GUIDELINES

For Use In The

ADMINISTRATION

Of

TITLE - 104 - MEALS

PHYSICAL AGREEMENT

Issued By

INDUSTRIAL RELATIONS DEPARTMENT

P. G. and E. COMPANY

October 1965

Amended - October 1966

- July 1968

- August 1974

- October 1980

- December 1980

- May 1981

## TABLE OF CONTENTS

	<u>Page</u>
<u>STATEMENT OF PURPOSE</u>	1
<u>A. GENERAL STATEMENTS</u>	
Statements of Intent - Section 104.1	1
Comparable Substitute - Defined	1
Notes Regarding Application of Guidelines, Related Charts and Legend	2
<u>B. PREARRANGED WORK</u>	
Definition - Section 208.12	3
Chart 1 - (a) Prearranged overtime work starting later than 6:00 AM (Section 104.8)	3
(b) Prearranged overtime work stopped before 5:37 PM (Section 104.4)	4
Chart 2 - Prearranged overtime work starting at 6:00 AM or earlier.	4
(a) Prearranged overtime work starting between 5:00 AM and 6:00 AM (Section 104.8)	4
(b) Prearranged overtime work starting earlier than 5:00 AM (Section 104.8)	4
(c) Prearranged overtime work starting earlier than 2:00 AM (Sections 104.6 and 104.8)	5
Chart 3 - Prearranged overtime work continuing more than one hour after regular work hours (Sections 104.4, 104.5 and 104.10, Arb. 73)	5
Chart 4 - Prearranged overtime work scheduled wholly outside of regular work hours (Sections 104.6 and 104.7)	6
<u>C. EMERGENCY WORK</u>	
Chart 1 - Emergency work on <u>non-work days</u> (Sections 104.1 and 104.2)	7
Chart 2 - Emergency work wholly outside of regular work hours on work days (Sections 104.2 and 104.10)	7

	<u>Page</u>
Chart 3 - Emergency work which starts two hours or more before regular work hours and continues into regular work hours on work days (Section 104.3)	7
Chart 4 - (a) Emergency work which extends for more than one hour beyond regular work hours (Sections 104.4 and 104.10)	8
(b) Reasonable delay of the meal and the time to eat (Sections 104.4 and 104.10)	8
(c) Holding employees on the job in anticipation of additional overtime work (Sections 104.4 and 104.10)	8
(d) Interchanging the time of eating a meal to an <u>earlier</u> or <u>later</u> time (Sections 104.4 and 104.10)	9
 <b><u>D. SHIFT EMPLOYEES AND OTHER EMPLOYEES WHOSE WORK DAY CONSISTS OF EIGHT CONSECUTIVE HOURS</u></b>	
Chart 1 - Overtime work extends for more than one hour beyond regular work hours (Sections 104.4, 104.12, 104.13 and Note 8, Page 2, Arb. 73)	10
Chart 2 - Shift employee prevented from observing his usual meal practice - assigned to temporary headquarters (Sections 104.4, 104.9, 104.10 and Note 8, Page 2, Arb. 73)	11
Chart 3 - When assigned duties outside regular work hours not involving the supervision of operating equipment or work of a nature that does not endanger the safety of people or equipment (Sections 104.4, 104.9, 104.10, 104.12 and Note 8, Page 2, Arb. 73)	12
Chart 4 - Non-shift employees who are placed on shifts for the emergency 24-hour manning of a plant (Sections 104.12, 104.13 and Note 8, Page 2, Arb. 73)	13
Chart 5 - Shift employee called out on overtime (prearranged or emergency) starting two hours or more before regular work hours (Sections 104.3, 104.8, 104.9, 104.12 and Note 8, Page 2)	13
<b><u>E. SUMMARY</u></b>	13

## APPLICATION OF TITLE 104 - MEALS

### GUIDELINES

The following guidelines are for use in the administration of Title 104 of the Physical Agreement. They are based on Title 104 and related decisions and interpretations established in Arbitration Cases, Review Committee Decisions, Letters of Interpretation and other administrative rulings. Adherence to these prescribed guidelines is necessary in order to achieve uniformity and equitable and fair treatment of employees in addition to insuring that provisions bargained by both parties are followed as intended.

#### A. GENERAL

Section 104.1 is a statement of intent and governs the application of the entire title. That is, when a potential meal situation arises, Section 104.1 must be applied in conjunction with other sections of the title.

Section 104.1 states that the provisions of this title shall be interpreted and applied in a practical manner and that a comparable substitute shall be provided when employees are prevented from observing their usual and average meal practices or are prevented from eating a meal at approximately the usual time therefor.

#### Comparable Substitute

Meaning those meals that Company or employee provides, under the provisions of Title 104, when employees:

1. are prevented from observing their usual customary meal practice(s) (Sections 104.1, 104.3, 104.4, 104.8 and 104.12 - breakfast, lunch or dinner); or
2. are otherwise entitled to a meal at times preceding or following that period of the day when such employee observes a customary meal practice (Sections 104.2, 104.6, 104.7 and 104.12).

The meal provided, under (1) above, should but may not be quite the same as the meal would be at the same time if eaten at home. Dependent upon the circumstances present at the time, and where practical or possible, a comparable substitute to the missed meal should be furnished.

It may be necessary to provide meals at times of the day or night when the employee would not observe a customary meal time, Item 2 above. The meal provided, again dependent upon the circumstances of that situation, should be such as to adequately compensate for the need for food resulting from working beyond or before customary meal time.

There have been no maximum cost limits for meals agreed upon because the cost of meals may vary due to such factors as the time of day, location, conditions and other circumstances. However, the requirement of reasonableness in the selection of a "comparable substitute" for the meal missed should be followed. (See Labor Agreement Interpretation on Page 176 of the 1980 Physical Agreement or Page 108 of the 1980 Clerical Agreement.)

Since it is impossible to cover in these guidelines every conceivable situation that could arise, only typical situations have been selected.

In reading these guidelines and related charts, the following notes must be kept in mind:

1. Unless otherwise stated or indicated, the regular work hours are assumed to be 8 AM to 12 o'clock noon (12 M) and from 12:30 PM to 4:30 PM.
2. Normal and average meal hours for day employees are assumed. Such designations shall be assumed on work days or non-work days. However, exceptions to the above can occur in unusual situations when a pattern has been established, i.e., Thanksgiving dinner.
3. Certain charts show straight-time pay during regular work hours on work days. On non-work days overtime rates would apply; however, unless otherwise shown, meal-time arrangements would be the same as on work days.
4. In certain cases, overtime pay for meal time is indicated on the charts in space equivalent to one-half hour where, in an actual situation, overtime is payable for actual time taken.
5. If an employee is entitled to pay for more than one hour of work performed beyond his regular work hours, he shall be entitled to a meal at Company expense (Section 104.4, R.C. Case No. 732-1967 and Arbitration Case No. 73).
6. When a chart shows that Company provides a meal it means that the Company may either actually provide a meal on the job or elsewhere, or that the Company shall reimburse an employee for the cost of a meal. In the latter case, reimbursement is provided for only when the meal is purchased by the employee (Section 104.9); or, in the manner provided for shift employees and resident employees (Sections 104.12 and 104.15). Receipts and approval required, requesting reimbursement from Company, for meal expenditures is outlined in Standard Practice 143-1, para. 4d, as revised 2/1/66.
7. Company shall pay the cost of any meal it is required to provide and the time necessarily taken to consume a meal shall be considered as hours worked, except when an employee is entitled to a meal at Company expense following dismissal from work the time allowance shall be one-half hour (and the employee is expected to eat at that time or a reasonable time thereafter). If an employee entitled to a








meal at Company expense upon dismissal from work does not accept such meal, he shall nevertheless be allowed one-half hour's time with pay (Section 104.10).

8. Travel time from home to headquarters or from headquarters to home, or time allowed for meals, shall not be included in computing time intervals for purposes of qualifying for a meal (Section 104.11 and Arbitration Case No. 14).
9. The provisions of the title shall apply to shift and resident employees, except that when Company determines that it is not practicable for Company to provide meals on the job for such employees as herein provided, they shall provide their own meals on the job and Company shall reimburse them for the cost thereof, not to exceed three dollars (\$3.00) for each meal (Sections 104.12, 104.13 and 104.15). Or, when a shift employee delays his last meal on the job, until after dismissal from overtime work, and purchases a meal at a local restaurant, he will be reimbursed for the cost of such a meal, and 1/2 hour for the time to consume such meal. (Sections 104.9, 104.12 and 104.13 - Arbitration Case No. 10 - R.C. Cases Nos. 286 and 385). There may be instances where an employee may be prevented by Company from eating his meal while on shift. In such cases, Company will pay for the meal and the time to eat same up to 1/2 hour upon dismissal (Section 104.10).

In addition, Company will reimburse shift employees for the reasonable cost of meals purchased from local meal delivery services, but will not pay any extra delivery charges for such meals (1966 General Negotiations).

10. Time and pay are indicated on the charts, using the following legend:

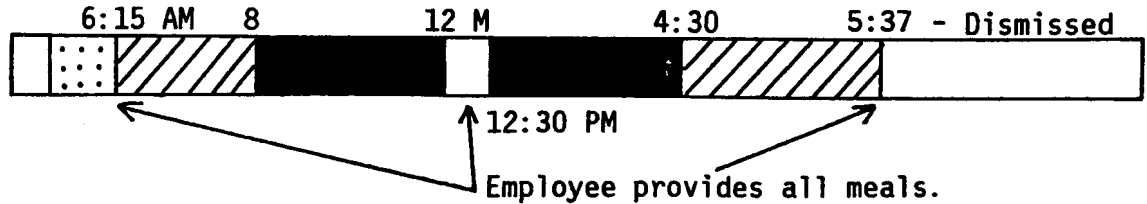
	Straight-time Pay		Overtime Pay for Work Time
	Overtime Pay for Meal Time		Overtime Pay for Travel Time (Shown as 1/2 hour, but is actual travel time - Sections 208.6 and 208.12.)
	No Pay		

#### B. PREARRANGED WORK

(Work for which advance notice has been given by the end of the employee's preceding regular work period on a work day - Section 208.12).

1. (a) When prearranged overtime work starts later than 6 AM, an employee provides his own breakfast and lunch as usual, on work days or non-work days (Section 104.8).

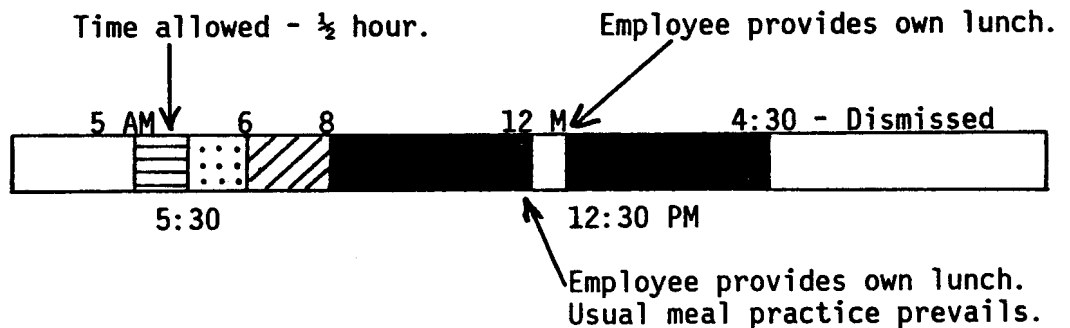
- (b) When prearranged overtime work stops at or before 5:37 PM, an employee provides his own dinner as usual, on work days or non-work days (Section 104.4 - R.C. Case No. 732 - 1967).



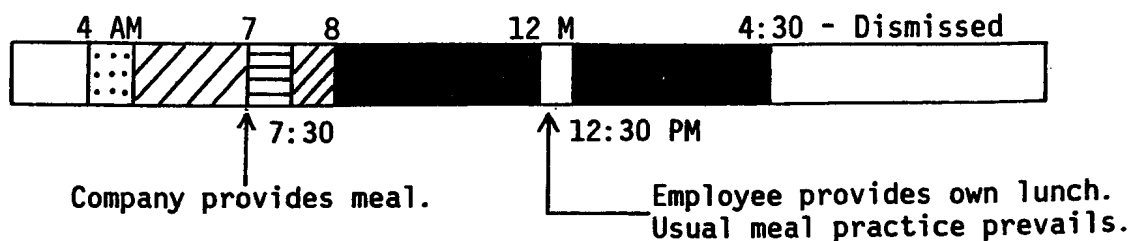
2. When prearranged overtime work is to start at 6 AM or earlier on work days or on non-work days, plan in advance, as part of prearranging the work (advance notice given by end of regular work period on the preceding work day), that breakfast shall be eaten before reporting for work or work will stop to permit breakfast at about the usual time therefor (Section 104.8). In either case, the Company shall furnish a breakfast or reimburse the employee for a breakfast purchased. When a meal is purchased before reporting for work, the employee will be allowed one-half (1/2) hour in which to eat it. If he elects to eat at home, he shall nevertheless be allowed one-half (1/2) hour, but no reimbursement for the meal. When work is stopped for breakfast, the time necessarily taken to consume same shall be considered as hours worked (Sections 104.6, 104.9 and 104.10).

The following is offered for guidance in planning meal schedules:

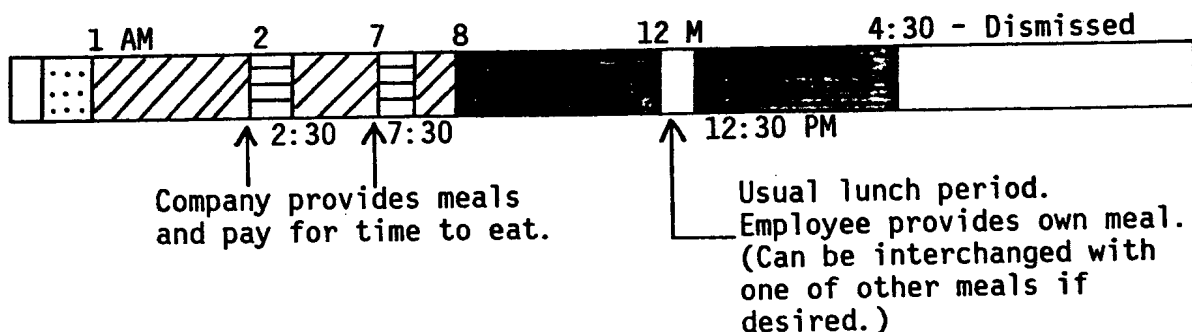
- (a) When prearranged work is to start between 5 AM and 6 AM, an employee normally will eat breakfast before reporting for work. Company will provide meal or reimburse cost of meal purchased (Section 104.8).



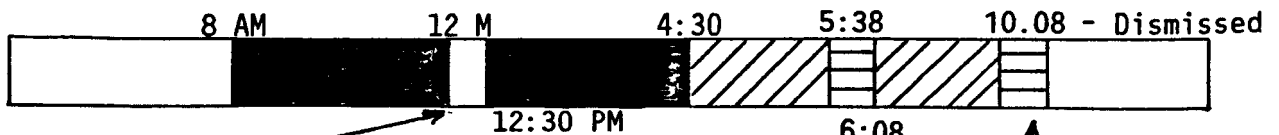
- (b) When prearranged work is to start earlier than 5 AM, but not earlier than 2 AM, normally plans will be made to provide a breakfast at approximately 7 AM, the usual time therefor (Section 104.8).



(c) When prearranged work is to start earlier than 2:00 AM, plans shall be made to provide a meal at a time so it will be completed approximately 4 hours, but not more than 5 hours, prior to the usual breakfast time at 7 AM, when another meal shall be scheduled. Normally both these meals will be at Company expense and the time necessarily taken to consume such meals shall be considered as time worked. The employee then shall provide his own meal at the noon hour and the usual practice relating to lunch periods on work days shall prevail. When conditions require, it is permissible to schedule the meal provided by the employee to be eaten on his own time at one of the other meal times, but total meal time with pay and number of meals furnished by Company is to remain unchanged (Sections 104.6 and 104.8).



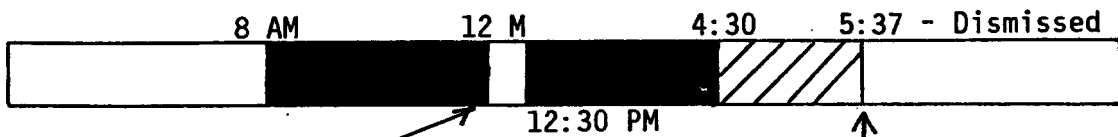
3. When work continues after 5:37 PM (more than 1 hour after regular work hours), the policy with respect to providing meals and time to eat is governed by practicable and reasonable considerations. Company shall provide a meal approximately 1 hour after regular quitting time and with meals at intervals thereafter of approximately 4 hours, but not more than 5 hours, for as long as work continues (Sections 104.4, 104.5 and Arb. Case No. 73).



Employee provides own lunch (Sections 104.1 and 104.5).

Company provides meal and time to eat (Section 104.4 and Arb. Case No. 73).

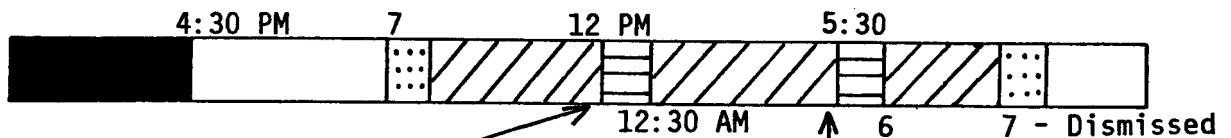
Company to provide meal at intervals of approximately 4 hours, but not more than 5 hours (Section 104.4) and ½ hour (Section 104.10).



Employee provides own lunch (Sections 104.1 and 104.5).

If employee is paid for more than 1 hour of work beyond regular work hours, Company will provide a meal and ½ hour to eat meal (Sections 104.4 and 104.10 - R.C. Case No. 732 - 1967 and Arb. Case No. 73).

4. When prearranged work is scheduled to be completed wholly outside of regular work hours, employee is allowed to eat a meal he himself provides approximately 4 hours, but not more than 5 hours, after he starts work. Such employee shall be paid up to 1/2 hour for work in which to eat such meal (Section 104.6). When such work continues, Company provides subsequent meals at intervals of 4 hours, but not more than 5 hours (Section 104.7).



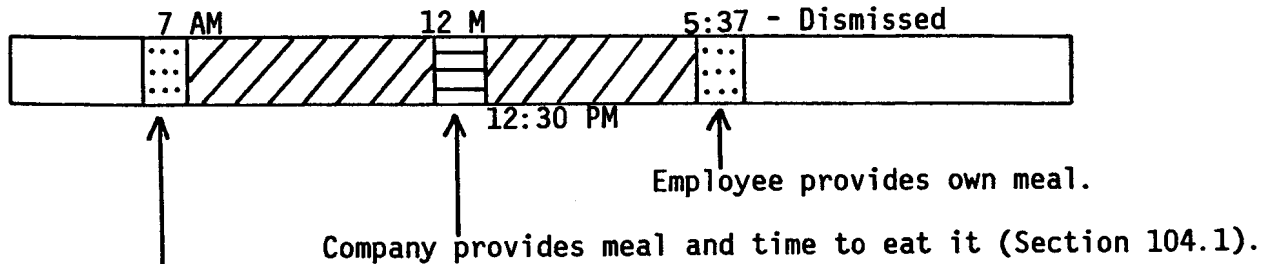
Employee provides own meal - time to eat up to ½ hour at Company expense (Section 104.6).

Company provides meal (Section 104.7).

### C. EMERGENCY WORK

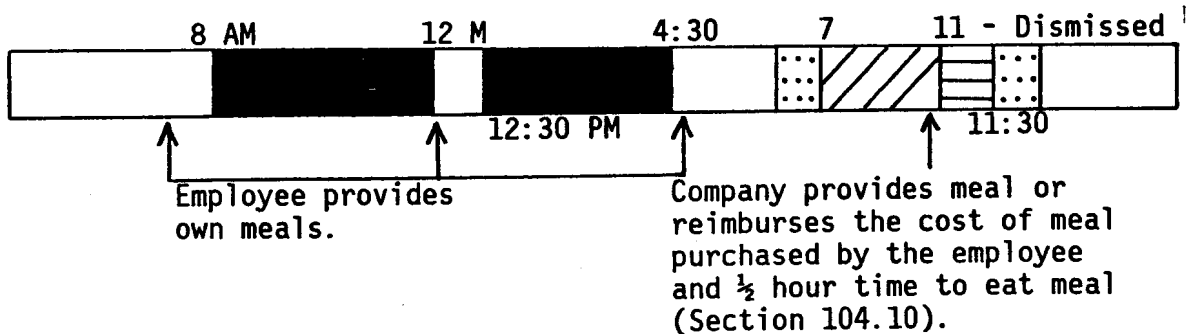
(Advance notice not given by end of the employee's regular work period on the preceding work day.)

1. Emergency work on non-work days requires Company, if possible, to provide a meal and to pay for the time in which to eat such a meal when an employee is prevented from observing his usual and average meal practice at approximately the usual meal hour (Sections 104.1 and 104.2, and R.C. No. 369 - 1963).



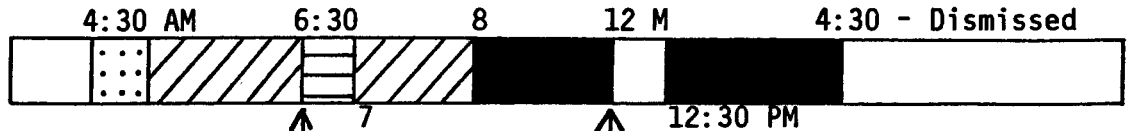
Employee must be given an opportunity to eat breakfast before reporting to work or a breakfast and the time to eat it must be provided at Company expense (Sections 104.3 and 104.10).

2. Emergency work wholly outside of regular work hours on work days requires Company, if possible, to provide a meal and consider as hours worked the time necessarily taken to consume such meal at intervals of approximately 4 hours, but not more than 5 hours, for as long as work continues (Section 104.2). In the example cited below, the employee has not been prevented from observing his customary meal practice, but rather has incurred the need for an additional meal.



3. Emergency work which starts 2 hours or more before regular work hours and continues into regular work hours on work days is handled the same as prearranged work. However, if Company does not give the employee an opportunity to eat a breakfast or pre-

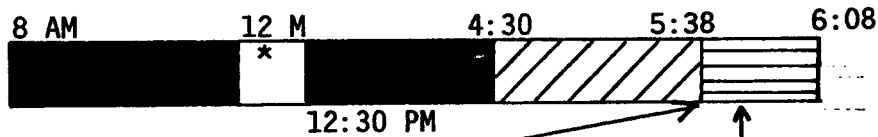
pare a lunch before reporting for work, it shall provide such meals for him at approximately the usual times. In the illustration of this example shown below, it is assumed the Company called the employee sometime before 4 AM, allowed travel time from his living quarters and started work at 4:30 AM (Section 104.3).



Breakfast provided by Company at approximately the usual breakfast time. Where the nature of the work is such that it cannot be stopped for breakfast, the employees should be allowed, when hungry, to eat the lunch they brought from home and Company will buy their lunch at the noon hour.

Lunch provided by Company when opportunity to prepare same has not been allowed before reporting. Time not paid for eating such meal or meal provided by employee, as usual practice relating to lunch periods on work days shall prevail.

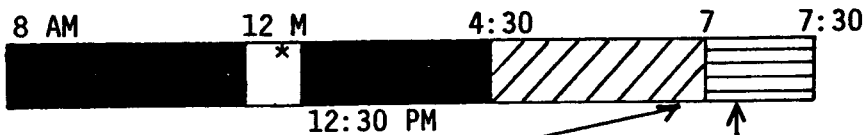
4. (a) Emergency work which extends for more than 1 hour beyond regular work hours. Company will provide a meal or reimburse employee for purchase of such meal and consider as hours worked the time taken to consume such meal (Section 104.4 - R.C. Case No. 732 - 1967 and Arb. Case No. 73).



Dismissed

Company furnishes meal and 1/2 hour (Sections 104.4, 104.10 and Arb. Case No. 73).

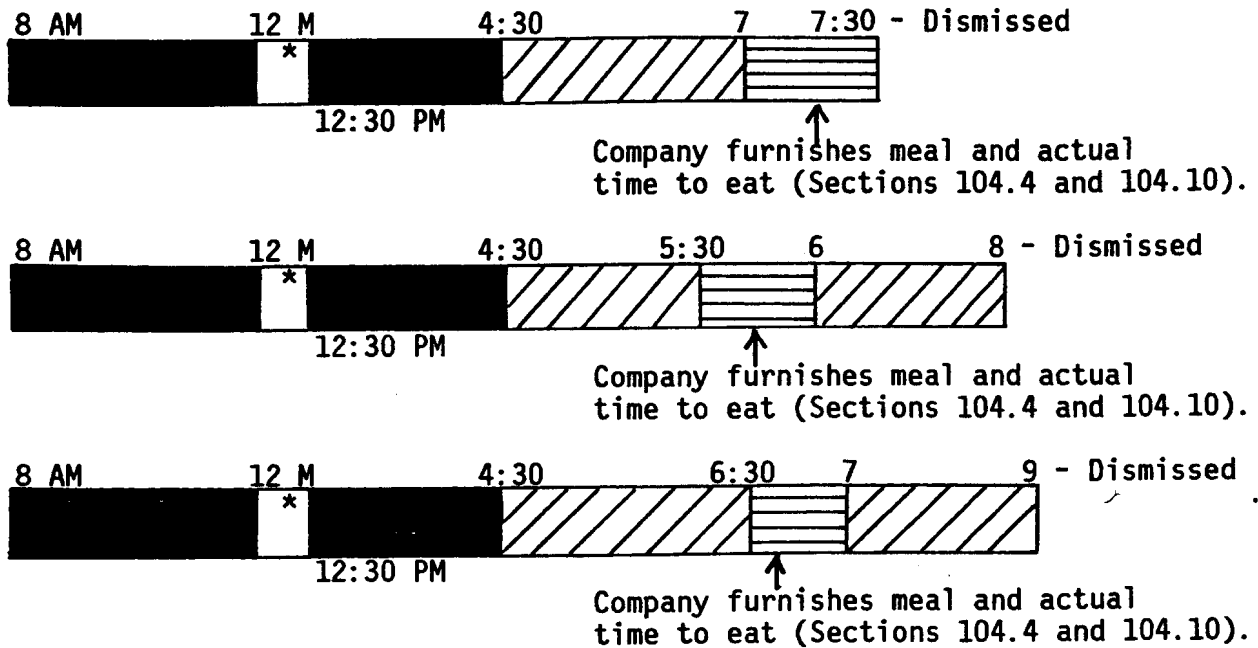
- (b) Situations may arise when a reasonable delay of the meal and the time to eat same is warranted.



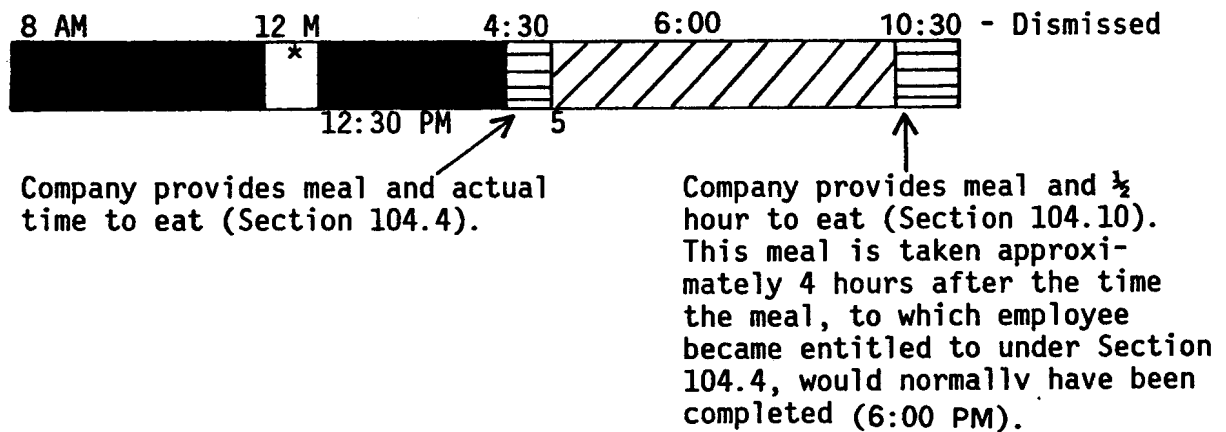
Dismissed

Company furnishes meal and 1/2 hour (Sections 104.4 and 104.10).

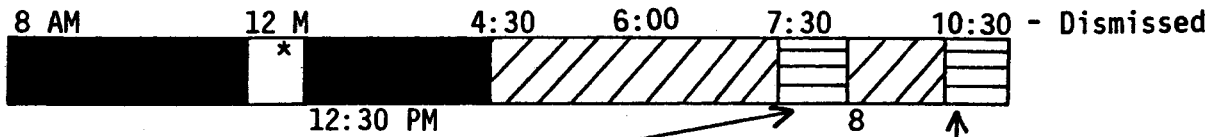
- (c) Situations where employees are held on the job, after completing one period of overtime work, in anticipation of additional overtime work which may follow at the conclusion of the meal provided by Company.



(d) Circumstances may lead to interchanging the time of eating a meal to an earlier or later time, after regular work hours, other than as provided in Section 104.4 when the overtime work is expected to extend beyond such meal time.



\*Employee provides own lunch.  
(Sections 104.1 and 104.5)



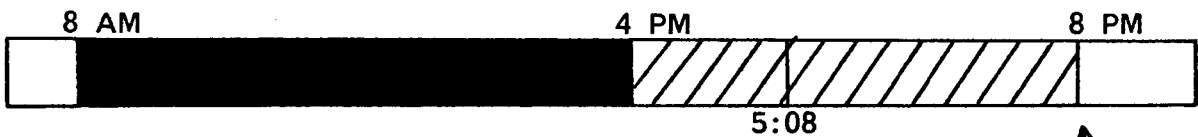
Company provides meal and actual time to eat (Section 104.4).

Company provides meal and 1/2 hour to eat (Section 104.10). This meal is taken approximately 4 hours after the time the meal, to which employee became entitled to under Section 104.4, would normally have been completed (6:00 PM).

\*Employee provides own lunch (Sections 104.1 and 104.5).

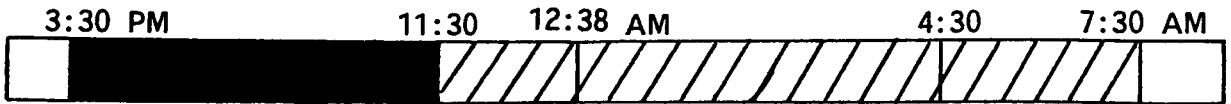
D. SHIFT EMPLOYEES AND OTHER EMPLOYEES WHOSE WORK DAY CONSISTS OF EIGHT (8) CONSECUTIVE HOURS

1. Shift employees and other employees whose work day consist of eight (8) consecutive hours shall be permitted to eat their meals during work hours and shall not be allowed additional time therefor at Company expense (Section 104.13).



Shift employee provides his own meal - Company will reimburse employee up to \$3.00 for meal (Sections 104.4 and 104.12); or, the employee may wait until the completion of his shift at 8 PM and be reimbursed for such a meal which he may purchase at a restaurant and 1/2 hour for the time to consume such meal. (Sections 104.9, 104.12 and 104.13 - Arb. Case No. 10 - R.C. Cases Nos. 286 and 385 - 1962-1963 and Note 9, Page 2.)

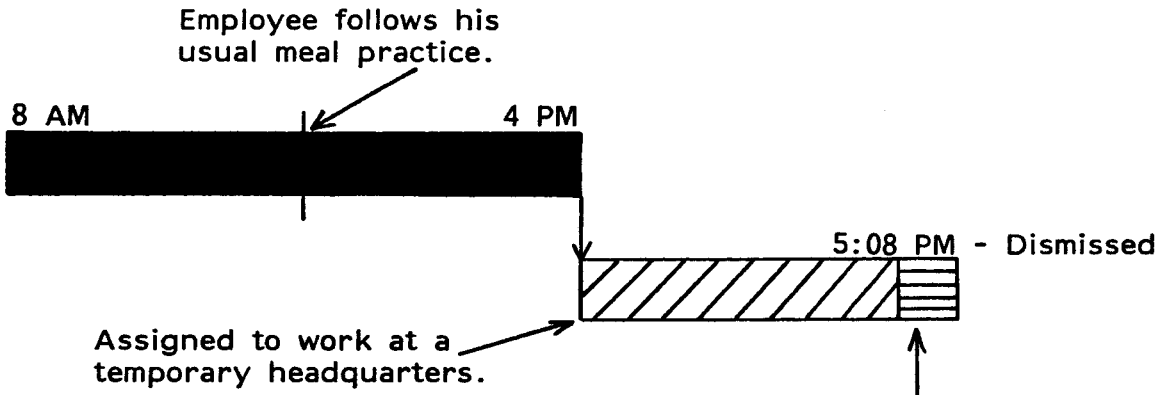




Shift employee provides his own meal - Company will reimburse employee up to \$3.00 for meal (Sections 104.4, 104.12, Arb. Case No. 73 and Note 9, Page 2).

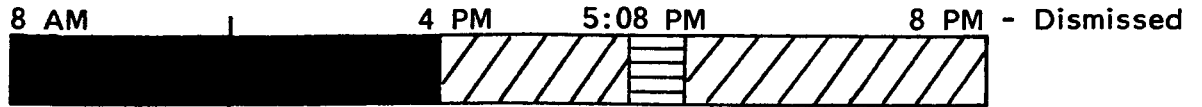
Shift employee provides his own meal - Company will reimburse employee up to \$3.00 for meal (Sections 104.4 and 104.12); or, the employee may wait until the completion of his shift at 7:30 AM and be reimbursed for such a meal which he may purchase at a restaurant and 1/2 hour for the time to consume such meal (Sections 104.9, 104.13 - Arb. Case. No. 10 - R.C. Cases Nos. 286 and 385 - 1962-1963 and Note 9, Page 2).

- When the nature of the work, or the assignment, prevents the shift employee from observing his usual meal practice (Sections 104.1 and 104.13) during work hours and he purchases a meal following dismissal from work, Company will reimburse him for the cost of the meal (Section 104.9) and the time to consume the meal up to one-half (1/2) hour (Section 104.10 and R.C. Case No. 663 - 1966).



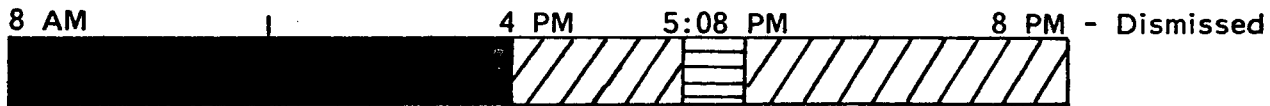
Company provides meal (Section 104.4 and Arb. Case No. 73) or reimburses for the cost of meal purchased by the employee (Section 104.9) and allows 1/2 hour time to eat meal (Section 104.10).

3. Shift employees who are assigned duties outside their regular work hours not involving the supervision of operating equipment, and are not needed for the operations then in progress, or are not engaged in work of a nature that the cessation would endanger the safety of people or equipment, may upon becoming entitled to a meal and upon receiving authorization from their supervisor, be provided such meal in the same manner as day or service employees (Section 104.12).



Employee follows his usual meal practice.

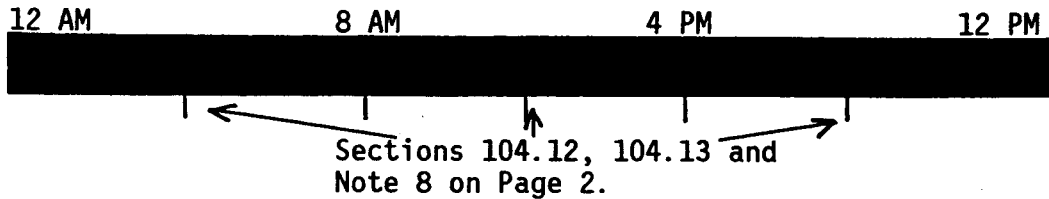
Shift employee may provide his own meal and Company will reimburse employee up to \$3.00 for meal (Sections 104.4, 104.12 and Arb. Case No. 73), or the employee may purchase a meal and be reimbursed by Company for the cost of such meal and allowed the time to eat (Sections 104.4, 104.9, 104.10 and Note 9, Page 2).



Employee follows his usual meal practice.

Shift employee when assigned to perform operating duties to permit a maintenance crew to perform its work may be excused for a meal when the crew is excused for a meal as long as no operating is required necessitating the shift employee's presence during the maintenance crew's absence. Company will reimburse employee for the cost of such meal and allow for the time to eat (Sections 104.4, 104.9, 104.12, Arb. Case No. 73 and Note 9, Page 2).

4. Non-shift employees (such as Roving Operators, etc.) who are placed on shifts for the emergency 24-hour manning of a plant are to have their meal situation considered the same as a shift employee. Where it is not practicable for Company to provide meals on the job for such employees, they shall provide their own meals and Company shall reimburse them for the cost thereof.



5. When a shift employee is called out on overtime work (prearranged or emergency) starting 2 hours or more before regular work hours, and such employee continues to work into regular work hours, he shall provide for one meal on the job and Company shall provide other meals as required by the duration of the work period (Sections 104.3 and 104.8), or reimburse employee for such meals purchased by him as provided in Section 104.9 or 104.12.



If Company does not give employee an opportunity to eat a breakfast and prepare a lunch before reporting for work, it shall provide such meals (Sections 104.3 and 104.8), or reimburse employee for meals purchased as provided in Sections 104.9, 104.12 and Note 9, Page 2.

Employee follows his usual meal practice.

Note: In this example, Sections 208.7, 208.11 and 208.12 are also applicable.

#### E. SUMMARY

When the Agreement and these Guidelines do not seem to give the answer to the specific problem at hand, Section 104.1 will probably govern.