

REVIEW COMMITTEE**PG and E****IBEW** 

PACIFIC GAS AND ELECTRIC COMPANY
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INTERNATIONAL BROTHERHOOD OF
 ELECTRICAL WORKERS, AFL-CIO
 LOCAL UNION 1245, I.B.E.W.
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 WALNUT CREEK, CALIFORNIA 94596
 (415) 933-6060
 R.W. STALCUP, SECRETARY

CASE CLOSED OCT 8 1981
LOGGED AND FILED

D.J. BERGMAN, CHAIRMAN

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

East Bay Division Grievance No. 1-1191-80-285
 P-RC 651

October 8, 1981

MR. P. N. LONG, Company Member
 East Bay Division
 Local Investigating Committee

MR. J. VALENTINO, Union Member
 East Bay Division
 Local Investigating Committee

The above-subject grievance has been discussed by the Pre-Review Committee prior to its docketing on the agenda of the Review Committee and is being returned, pursuant to Step Five A(ii) of the grievance procedure, to the Local Investigating Committee for settlement in accordance with the following:

This case concerns a Fitter's request for reimbursement of a meal he consumed following an emergency overtime assignment for a non-workday. On a Sunday, November 20, 1980, the grievant was called out at 4:37 p.m. He reported and completed the assignment by 5:20 p.m. The grievant believed he was entitled to a meal under the provisions of Section 104.1 of the Physical Agreement because at the time he was called out, his wife was "minutes away" from serving dinner.

In an effort to avoid having to determine on a case-by-case basis individual usual meal times, the parties agreed as long ago as 1954, that the usual dinner meal time for day employees would be 6:00 p.m. to 7:00 p.m. (RC 61). This decision was reaffirmed in 1974 by RC 1301 except that in special situations where the normal dinner meal would be eaten at an unusual time, such as Thanksgiving and Christmas dinner, where other "usual" meal times may prevail.


During discussion, Union advanced the argument that while these Review Committee decisions have never been rescinded, they pre-date the 1977 negotiated revision of Section 104.4 of the Agreement and seem to be in conflict with it. Assuming that most T&D day employees work until 4:30 p.m., they qualify for a Company provided meal at 5:37½ p.m. if their workday has been extended. Prior to the change in Section 104.4, an employee was not entitled to a Company provided meal until 1½ hours beyond normal work hours. Again assuming quitting time is 4:30 p.m., the employee would be then eligible for a meal at 6:00 p.m., the time the Review Committee previously established to be the usual meal time.


Company, while acknowledging the inconsistency between the Review Committee decisions and Section 104.4 did not agree that there was necessarily any correlation

or that Section 104.4 establishes the usual meal time. The Review Committee decisions contemplate when it is reasonable to assume that an employee's usual meal time has been interrupted if he has been called out.

In the instant case, the grievant completed his work at 5:20 p.m. and even if the parties had agreed that the usual meal time should be moved up by one half hour (5:30 p.m. - 6:30 p.m.), the grievant would not have qualified. Further, the Pre-Review Committee is in no position to interpret the term, "minutes away." The grievant, prior to eating the meal, made no effort to determine if dinner at home had already been served as did the grievant in RC 61.

It is the decision of the Pre-Review Committee that no violation of the Agreement occurred and that this case is considered closed on the basis of the foregoing. The closure should be so noted by the Local Investigating Committee. However, the Union reserves the right at some future time to again argue the issue of the usual and average meal time.


D. J. BERGMAN, Chairman
Review Committee


R. W. STALCUP, Secretary
Review Committee

MAShort(6274):ml

cc: FCMarks
MEBadella
LCBeanland
MEBennett
IWBonbright
LVBrown
FCBuchholz
RHCunningham
NRFarley
DOKabayashi
JBStoutamore
WKSnyder
LSilton
CPTaylor
CEWelte
Division Personnel Managers