

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

PACIFIC GAS AND ELECTRIC COMPANY  
 245 MARKET STREET, ROOM 444  
 SAN FRANCISCO, CALIFORNIA 94106  
 (415) 781-4211, EXTENSION 1125

INTERNATIONAL BROTHERHOOD OF  
 ELECTRICAL WORKERS, AFL-CIO  
 LOCAL UNION 1245, I.B.E.W.  
 P.O. BOX 4790  
 WALNUT CREEK, CALIFORNIA 94596  
 (415) 933-6060  
 R.W. STALCUP, SECRETARY

**CASE CLOSED** MAY 19 1983  
**LOGGED AND FILED**  
**RECEIVED MAY 19 1983**

D.J. BERGMAN, CHAIRMAN

- DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

San Francisco Division Grievance No. 2-721-82-21  
 P-RC No. 773

May 18, 1983

MR. K. H. ANDERSON, Company Member  
 San Francisco Division  
 Local Investigating Committee

MR. F. A. SAXSENMEIER, Union Member  
 San Francisco 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:

Subject of the Grievance

Company is requiring employees on a ten-hour 202.17 schedule to work six hours without a meal break. The Union alleges that this is a violation of the Agreement and the Industrial Welfare Commission Order No. 4-80, Section 11. The correction requested is not to require employees to work more than five hours without a meal period of not less than 30 minutes.

Facts of the Case

Maintenance employees at Hunter's Point and Potrero Power Plants have been assigned to a schedule beginning a 4:30 p.m. and ending at 3:00 a.m. The lunch break is taken between 8:30 p.m. and 9:00 p.m. This schedule is consistent with the example shown in Item G (half-hour overlap for start of second period) of the Clarification of Section 202.17.

Section 11(A) of the Industrial Welfare Commission Order states in part:

"No employer shall employ any person for a work period of more than five (5) hours without a meal period of not less than thirty (30) minutes, except that when a work period of not more than six (6) hours will complete the day's work the meal period may be waived by mutual consent of employer and employee."

Discussion

The parties noted that Section 11 of the Industrial Welfare Commission Order has not been changed in any way in the last 30 years and that the Clarification of Section 202.17 became effective March 1, 1963. Although the Clarification has been amended since 1963, the example schedule under Item G at issue in this grievance has not been changed.

The parties have been advised by a representative of the Commission that this schedule is not in violation of Order 4-80, Section 11(A) because the work period after the meal break is completed in six hours. Mutual consent is established, in this instance, by the Clarification inasmuch as the Union has agreed to this schedule.

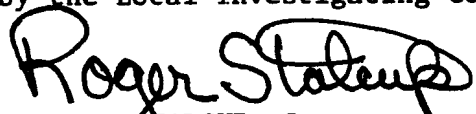
Decision

The Pre-Review Committee is in agreement that there is no violation of the Agreement or the Industrial Welfare Commission Order No. 4-80.

This case is considered closed without adjustment on the basis of the foregoing, and the closure should be so noted by the Local Investigating Committee.



D. J. BERGMAN, Chairman  
Review Committee

  
R. W. STALCUP, Secretary  
Review Committee

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