

REVIEW COMMITTEE**PG and E****IBEW** PACIFIC GAS AND ELECTRIC COMPANY
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(415) 781-4211, EXTENSION 1125INTERNATIONAL BROTHERHOOD OF
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WALNUT CREEK, CALIFORNIA 94596
(415) 933-6060
R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

CASE CLOSED
LOGGED AND FILED
RECEIVED MAY 19 1987

General Construction Grievance No. 3-1527-86-35
P-RC 1137

May 19, 1987

RICHARD S. BAIN, Chairman
General Construction
Joint Grievance Committee

BARRY J. HUMPHREY, Chairman
General Construction
Joint Grievance Committee

Subject of Grievance

Failure to provide meals every four and five hours.

Facts of the Case

On Sunday, March 16, 1986, a Line Department crew was assigned to work prearranged overtime. The crew reported at 5:00 a.m. and was instructed to arrive already fed. They were paid for the meal and time to consume it prior to the start of work. At 10:00 a.m., they were allowed to eat their own lunch. Between 1:00 p.m. and 3:00 p.m., they consumed chicken from a local restaurant that was delivered to the job site by the Field Clerk. The crew then continued to work until 9:30 p.m., at which time they were released and paid for one-half hour overtime pay for meal time and the in-lieu meal allowance.

On Sunday, March 23, 1986, the same crew was again assigned to work prearranged overtime. On this date, the crew reported at 5:30 a.m., again after eating a breakfast at Company expense. At approximately 12:00 p.m., the crew ate the lunch they had provided. Work continued until 5:30 p.m. at which time they were released. No meal was allowed on this date.

The Subforeman of the crew, who is also a Shop Steward, stated that the grievance was filed essentially because he believed the Agreement is in conflict with IWC Order 4-80 as it relates to meal times. The superintendent asserted that the provisions followed were in compliance with the Agreement. The Union alleged that the meal provisions followed both days violated the Agreement.

Discussion

The Pre-Review Committee reviewed Title 104, giving particular attention to the provisions of Sections 104.8 and 104.14, in addition to the Labor Agreement Interpretation of Title 104 (Page 196 of the Agreement) and the Labor Agreement Clarification of Title 104 - Meals.

Related to the earlier incident, on March 16, 1986, the Committee

agreed that the crew members were entitled to another meal break between 5:30 p.m. and 8:30 p.m. as provided for by Section 104.7, depending on when they completed their last meal. The Committee also noted that the subject of the conflict between the Agreement and IWC Order 4-80 had been discussed between the parties during General Negotiations in 1983 and was the subject of on-going negotiations. The Committee noted that just prior to this case being discussed, Company and Union signed Letter Agreement 86-26, which modifies the Labor Agreement Clarification of Title 104 - Meals so that it is now in compliance with IWC Order 4-80. However, in this situation, if the employees had agreed, those completing their last meal at 3:30 p.m. could have worked until their release at 9:30 p.m. without a meal and been in compliance with the IWC Orders.

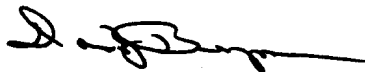
Related to the later incident, on March 23, 1986, the Committee agreed that the crew was properly paid for meals and meal times, in accordance with the Labor Agreement Clarification then in effect.

Decision

Based on the foregoing, the Committee agreed that it was inappropriate to work the crew without their agreement through the aforementioned meal on March 16, 1986.

Since the crew was appropriately paid upon release from work and that since this incident appears to be isolated rather than an on-going pattern or practice, the Committee agrees to close this case without adjustment. The Company agreed to inform its supervisors of the proper practice.

This case is considered closed, and such closure should be noted in the Joint Grievance Committee Minutes.



DAVID J. BERGMAN, Chairman
Review Committee



ROGER W. STALCUP, Secretary
Review Committee

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