

REVIEW COMMITTEE DECISION

Review Committee File No. 196
San Francisco Division Grievance No. 94

Subject of the Grievance

The Division Joint Grievance Committee, in referring the grievance to the Review Committee, included a Joint Statement of Facts. The facts agreed upon are that operational conditions required that the overhaul of the No. 1 Unit at the Potrero Power Plant be accomplished on an accelerated schedule. To accomplish this work it was necessary to establish an additional eight-hour work period, starting at 4:30 p.m. and ending at 1:00 a.m. with one-half hour off for a meal at 8:30 p.m. This additional eight-hour work period was established pursuant to Section 202.17 of the Labor Agreement.

The employees involved, after receiving notice in advance of the change of hours, started working the additional work period on Monday, July 13, 1959, and continued until Friday, July 31, 1959.

The employees contend that as the work was performed outside of their regular hours of work, they are entitled to the meal period of one-half hour at the overtime rate of pay.

Discussion

It has been agreed that this grievance will be settled in accordance with the provisions of the recently agreed-to Clarification dated February 14, 1963. Section Q. MEALS, Item 2, provides "If an additional work period is established which would require employees to work beyond 3:00 a.m., the employees on such work period should be allowed to eat on Company time approximately four hours after the starting time of the work period"; and Item 3, "Work hours on additional work periods will otherwise be scheduled with a break of one-half ($\frac{1}{2}$) hour in the middle of the work period for the purpose of eating and employees will eat on their own time."

Applying the above to the facts of this grievance, it is noted that the employees were not required to work beyond 3:00 a.m. Therefore, their work periods were properly scheduled with a break of one-half hour in the middle of the work period.

Decision

The employees concerned in this grievance are not entitled to compensation at the overtime rate for the one-half hour during which they ate a meal.

FOR UNION:

R. W. Fields
W. M. Fleming
L. L. Mitchell

By L. L. Mitchell

Date July 15, 1963

FOR COMPANY:

E. F. Sibley
C. L. Yager
L. V. Brown

By L. V. Brown

Date April 2, 1963