

REVIEW COMMITTEE DECISION

Review Committee File No. 252
San Joaquin Division Grievance No. 155

Subject of the Grievance

In February of 1960, due to a winding failure in the No. 3 generator at Balch Powerhouse, it was necessary to dispatch Fresno headquartered hydro personnel to the Balch Powerhouse to effect repairs as soon as possible. The facts note that these employees worked their regular hours of work at the Balch Powerhouse for the first two weeks of the job. Following that, some of the employees were assigned to an additional work period which was established, beginning at 6:00 p.m. and ending at 2:30 a.m., with a half hour off for a meal at 10:00 p.m. Subsequently, the schedules were again changed so that the day work period commenced at 7:00 a.m. The employees worked overtime from 7:00 a.m. to 8:00 a.m., then straight time from 8:00 a.m. to 12:00 noon; following lunch, from 12:30 p.m. to 4:30 p.m., and then continued to work at the overtime rate of pay from 4:30 p.m. to 5:30 p.m. An additional work period was established at night starting at 7:00 p.m. and continuing until 12:00 midnight when the employees took one-half hour off for an evening meal, starting again at 12:30 a.m. and working until 5:30 a.m. in the morning.

Discussion

In resolving these grievances, application will be made to the recently agreed-to Clarification.

As to the work period commencing at 7:00 p.m. and ending at 5:30 a.m., the Clarification provides that in such event the employees should be allowed to eat on Company time approximately four hours after the shift commences.

The facts noted above also indicate two other problems relative to the establishment of the two additional work periods. The first is the change from the additional eight-hour work period to an additional ten-hour work period, and the second concerns the establishment of a further additional eight-hour work period and the ten-hour work periods.

Regarding the change from the eight-hour additional work period to the ten-hour work period, Section O. CHANGE OF HOURS IN NEW SCHEDULE, Item 1, provides that "The regular hours of a new work period, once established, should not be changed; except when a third work period is added to or removed from the schedule, or overtime work is diminished or extended." Looking to the facts of the grievance at hand, it is noted that the overtime work in this case was extended from the eight-hour period to the ten and this is permissible under the provisions of the Clarification.

As to the starting times and completion times of the work periods, it is provided that "Where boarding house facilities are mutually available to employees coming off one work period and to employees going on the other, the start of the second period of work hours may be delayed a minimum of one-half hour but not more than a maximum of one (1) hour for the purpose of allowing the employees to eat at the boarding house." Such is the case here as the boarding house facilities were available to both the employees coming off one work period and those going on the next work period. In view of this, the starting time of the second work period should have been 5:30 p.m. on the additional eight-hour work period and 6:30 p.m. rather than 7:00 p.m. on the additional ten-hour work period.

Review Committee File No. 252
San Joaquin Division Grievance No. 155

Decision

1. As an additional work period was established which would require the employees to work beyond 3:00 a.m., the employees on such work period should have been allowed to eat on Company time approximately four hours after the starting time of the work period. The employees in this case, assigned to the evening work period, are entitled to payment for the time taken to eat the meal (one-half hour) occurring at 12:00 midnight.
2. The additional eight-hour work period should have started at 5:30 p.m.; therefore, the time worked from 6:00 p.m. to 2:00 p.m. shall be considered straight time and the time worked from 2:00 p.m. to 2:30 p.m. as overtime.
3. Relative to the ten-hour work period, the hours of work should have been established to start at 6:30 p.m. Therefore, these employees will be considered to have worked regular hours of 7:00 p.m. to 2:30 a.m. The time worked from 2:30 a.m. until 5:30 a.m. will be considered work performed at the overtime rate. Additionally, as the employees have worked more than one and one-half hours beyond their regular quitting time, 2:30 a.m., they are entitled to an additional one-half hour in lieu of the meal to which they were entitled to after 4:00 a.m.

The employees concerned are entitled to retroactive pay adjustment in accordance with the foregoing.

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 15, 1963