

REVIEW COMMITTEE DECISION

Review Committee File No. 345
East Bay Division Grievance No. 201

Subject of the Grievance

Due to an emergency condition involving Unit No. 5 at the Pittsburg Power Plant, additional work periods were established as follows: On October 23, 1961, two additional work periods were established, the first shift extending from 4:00 p.m. to 12:30 a.m. and the second from 12:00 midnight to 8:30 a.m. In both instances the employees observed one-half hour during this period on their own time in which to eat a meal. Employees assigned to the 4:00 p.m. to 12:30 a.m. work period worked for two days, October 23 and October 24, and were paid at the overtime rate. They were returned to their regular hours of work on October 25, 1961. The second additional work period, 12:00 midnight to 8:30 a.m., was established on October 23 and continued through the 24th and 25th. On October 26 they returned to their regular hours of work.

The correction asked for by the Union is that the employees be reimbursed for the cost of the meals, that they be compensated for the time taken to eat the meals, and payment of travel time to and from work.

Discussion

Section G. ADDITIONAL WORK PERIODS - FOUR WORK DAYS OR LESS, Items 1 and 2, of the recently negotiated Clarification of Section 202.17 are applicable in resolving this grievance. That Section provides:

- "1. Section 202.17 is not intended to apply to situations where the period of time to complete the job is scheduled for four work days or less.
- "2. If, for a bona fide reason, a job in a given situation is scheduled in advance to continue for a period of more than four work days, but the job is completed in four work days or less, a correction of the time cards of the employees involved should be made to comply with the provisions of Title 208, except that the provisions of Section 208.11 do not apply."

Relating to Item 2, it is noted in the argument submitted by the Division that the purpose of establishing the additional shifts was to remove protective strainers from steam lines on Unit No. 5 at Pittsburg Power Plant. The Division stated that although removing the strainers and replacing them normally required less than four days, it was anticipated that damage might have occurred which would have required continuation of the shifts for a considerable time. For the purpose, then, of this Decision, it will be considered that the Division anticipated a job extending more than four days and, thus, has provided a bona fide reason for application of 202.17. The latter provision of the Clarification, then, is applicable.

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Looking to the facts, it is noted that the additional work period was scheduled to commence at 12:00 midnight and ended at 8:30 a.m., with a one-half hour break for a meal. As settlement of this case is to be made on the basis of the recently negotiated Clarification, the additional work period should have provided for the employees to eat the meal on Company time.

Decision

As the work did not last more than four days, the employees are entitled to a correction of their time cards to comply with the provisions of Title 208, except that the provisions of Section 208.11 will not apply.

Additionally, the employees assigned to the 12:00 midnight to 8:30 a.m. work period shall be compensated at the overtime rate for the time spent in eating a meal during the work period.

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 [Signature]

Date April 2, 1963