



# REVIEW COMMITTEE



PACIFIC GAS AND ELECTRIC COMPANY  
LABOR RELATIONS DEPARTMENT  
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RECEIVED by LU 1245  
March 2, 2012  
  
**CASE CLOSED  
FILED & LOGGED**

INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, AFL-CIO  
LOCAL UNION 1245, I.B.E.W.  
P.O. BOX 2547  
VACAVILLE, CALIFORNIA 94696  
(707) 452-2700

- DOUG VEADER, CHAIRMAN  
 DECISION  
 LETTER DECISION  
 PRE-REVIEW REFERRAL

F.E (ED) JR DWYER, SECRETARY

**Arbitration Number 302  
Pre-Review Committee No. 19714  
Generation – Diablo Canyon Power Plant**

Joe De Martini  
Company Member  
Local Investigating Committee

Mark Taylor  
Union Member  
Local Investigating Committee

**Subject of the Grievance**

This case concerns the allegation that missed meal and missed break penalties should have been paid to employees at the Diablo Canyon Power Plant (DCPP).

**Facts of the Case**

The Company was providing for either one missed meal or missed break penalty, but not both. Additionally, employees were precluded from sleeping while on break.

Under California law employees are only eligible for one missed meal payment per day.

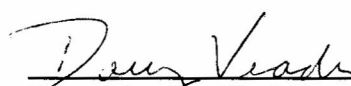
**Discussion**

The Company argued that missed meal and missed break penalties under California law are not proper subject for the grievance procedure. Notwithstanding that argument, the employees were only entitled to one missed meal penalty each day, which they received. They were not entitled to a missed meal break penalty as they were allowed to take breaks.

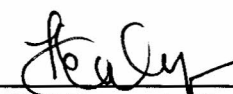
The Union noted it could not find a violation contractually or legally that prevented the Company from making a policy that required the employees to stay awake during their break periods. This issue is more appropriately addressed in the legal arena and not the grievance procedure.

**Decision**

This grievance is closed without adjustment based on the above discussion.

  
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Doug Veader, Chairman  
Review Committee

3/1/12  
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Date

  
\_\_\_\_\_  
F.E. (Ed) Dwyer Jr, Secretary  
Review Committee

3/1/2012  
\_\_\_\_\_  
Date