



REVIEW COMMITTEE

104.4 -Qualification for
second meal after
first meal delayed.

JUL 10 1989



PACIFIC GAS AND ELECTRIC COMPANY
215 MARKET STREET, ROOM 916
SAN FRANCISCO, CALIFORNIA 94106
(415) 973-1125

CASE CLOSED
LOGGED AND FILED
RECEIVED JUN 12 1989

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(415) 933-6060
R.W. STALCUP, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
- LETTER DECISION
- PRE-REVIEW REFERRAL

Vaca Valley Division Grievance No. VO6-023-87-23
P-RC 1283

June 7, 1989

DAN D. ROBINSON, Company Member
Vaca Valley Division
Local Investigating Committee

WAYNE R. GREER, Union Member
Vaca Valley Division
Local Investigating Committee

Subject of the Grievance

This case concerns an interpretation of Section 104.4, specifically, when is the next meal entitlement following the delaying of a meal.

Facts of the Case

A construction crew worked beyond regular work hours and became entitled to a meal at 5:37-1/2 p.m. but elected to continue working until the job was completed. The crew arrived at the restaurant at approximately 8:00 p.m. and left at approximately 9:20 p.m. The crew went to the Service Center, cleaned their trucks, completed paperwork and left at 10:30 p.m. The crew believed they were entitled to an additional meal upon dismissal and requested payment pursuant to Section 104.10. The denial of the request became the subject of this grievance.

Discussion

In discussion of this grievance, the Committee reviewed the following language in Section 104.4:

"If Company requires an employee to perform work for more than one hour beyond regular work hours, it shall provide him with a meal approximately one hour after regular quitting time and with meals at intervals thereafter of approximately four hours but not more than five hours for as long as he continues such work." (emphasis added)

Section 104.11 (in part) - In determining time intervals for the purpose of providing meals, there shall not be included...any time allowed for meals.

In addition, the Committee examined Section C.4(d) of the "Guidelines for Use in the Administration of Title 104 Meals", last amended December 8, 1986.

The Committee agreed that when delaying or advancing a meal, the time taken to eat the meal "stops the clock" in the determination of the next meal entitlement. In examining the case at hand, the crew delayed their meal for two hours and 22-1/2 minutes (5:37-1/2 p.m. - 8:00 p.m.), then worked an additional one hour and 10 minutes (9:20 p.m. - 10:30 p.m.). The work performed after the crew became entitled to the 5:37-1/2 a.m. meal was three hours 32-1/2 minutes. Therefore, they did not work the required four hours to qualify for another meal.

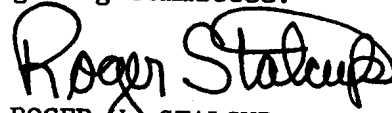
The examples shown in Section C.4(d) of the Meals Clarification clearly indicates that employees need not work four hours after their last meal to qualify for another meal if the first meal was delayed. Although not at issue in this case, the Committee noted that the time accrued toward the next meal may be carried forward through successive meal periods. In other words, if a crew delays a meal for two hours, eats, works for another four hours, eats, then works another two hours before being dismissed, they would be entitled to a meal upon dismissal because the earlier two-hour delay combined with the two hours of additional work following the last meal create the entitlement.

Decision

Based on the above, this case is closed without adjustment, and such closure should be noted by the Local Investigating Committee.



DAVID J. BERGMAN, Chairman
Review Committee



ROGER W. STALCUP, Secretary
Review Committee