



REVIEW COMMITTEE

IBEW



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

MAR 15 1990

**CASE CLOSED
LOGGED AND FILED**

RECEIVED MAR - 6 1990

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

De Sabla Division Grievance No. 82-88-000-20
Fact Finding Committee No. 4427-89-22
P-RC 1419

March 2, 1990

L. MIKE TYBURSKI, Company
Fact Finder

ED FORTIER, Union
Fact Finder

The above-referenced case has been reviewed by the Pre-Review Committee Screening Committee and is being returned to Fact Finding with the recommendation that the case be settled without adjustment on the basis that the grievants observed their usual lunch meal practice.

DAVID J. BERGMAN, Chairman
Review Committee

ROGER W. STALCUP, Secretary
Review Committee

RRDoering(223-1124):mc

cc: Bill Levins

AUG - 5 1991

**CASE CLOSED
LOGGED AND FILED**

RECEIVED JUL 29 1991

MEMORANDUM OF DISPOSITION

GRIEVANCE ISSUE:

This case concerns two grievants who were called to work at 6:30 a.m. and not allowed time to eat breakfast or prepare a lunch. The Company paid the grievants one-half hour overtime for the meal they missed prior to reporting to work and \$7.00 for the missed meal. The Company denied the Union's request for \$14.00 missed meal payments for both breakfast and lunch.

DISCUSSION:

The Union initially argued that the breakfast meal missed was a meal during a work period, and should be paid at the \$14.00 rate. Furthermore, the Union maintained that the employees were entitled to a second missed meal since the employees did not have an opportunity to prepare a lunch before reporting to work.

The Company's position is that it clearly met the intent of Title 16, which is to provide for a comparable substitute when employees are prevented from observing their usual and average meal practice.

A review of the grievants' average meal practice regarding lunch shows that one grievant nearly always goes home for lunch. The second grievant has a practice of either going home, eating out, or bringing a lunch. Inasmuch as both grievants went home for lunch on the day in question, they in fact did observe an average meal practice.

This case was referred to the Pre-Review Committee on January 29, 1990. Upon review by the Pre-Review Screening Committee, the case was returned to Fact Finding with the recommendation that the case be settled without adjustment on the basis that the grievants observed their usual lunch meal practice.

DISPOSITION:

Based on the foregoing review of the facts and the recommendation of the Pre-Review Screening Committee, the Fact Finding Committee agrees to settle this case without adjustment as the grievants observed their usual lunch meal practice.

<u>Kenned & Ball</u> K. BALL, Union Representative	Concur/Dissent	<u>7-23-91</u>	Date
<u>Mich. Hanning</u> M. HARRINGTON, Union Representative	Concur/Dissent	<u>7-7-91</u>	Date
<u>Doug Veador</u> D. VEADOR, Company Representative	Concur/Dissent	<u>6/3/91</u>	Date
<u>M. Williams</u> M. WILLIAMS, Company Representative	Concur/Dissent	<u>5-30-91</u>	Date