



REVIEW COMMITTEE

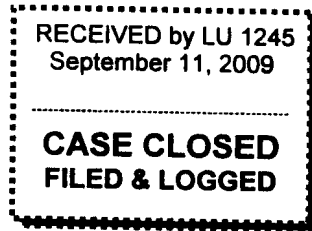


PACIFIC GAS AND ELECTRIC COMPANY
LABOR RELATIONS DEPARTMENT
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(415) 973-6725

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

JOHN MOFFAT, CHAIRMAN

DECISION
LETTER DECISION
PRE-REVIEW REFERRAL



BOB CHOATE, SECRETARY

Pre-Review Committee No. 18162 Customer Care – Gas Service – San Carlos

Michelle Roberts
Company Member
Local investigating Committee

Bernard Smallwood
Union Member
Local Investigating Committee

Subject of the Grievance:

Gas Serviceperson was called to work emergency overtime prior to start of work day, completes EOT work, drives home in company vehicle and whether or not travel time home on emergency call-out is included in the calculation of 12 consecutive hours to qualify for double time pay and in the calculation for a rest period..

Facts of the Case:

The grievant's regular schedule is 7:30 a.m. to 4:00 p.m. on Monday, Tuesday, Wednesday and Friday. On Thursday the grievant works 1:00 p.m. to 9:00 p.m.

On February 7, 2008 the grievant was called out for EOT at 2:30 a.m. and the job was completed at 5:18 a.m. he traveled home and arrived there at 5:56 a.m. and he received another call at 6:15 a.m. and signed on at 6:30 a.m. At 9:38 a.m. he completed the last job. He called dispatch after his last job between 9:45 a.m. and 10:10 a.m. He then signed off for a meal at 10:10 a.m. drove to Half Moon Bay and arrived at a restaurant at 10:30 a.m. he finished his meal at 11:15 and was at his home at 11:21 a.m.

Discussion

Union position is that if an employee takes the Company vehicle home the time should be counted as hours worked. In this case the argument is that the counting does not stop at the meal and includes all the travel until the employee returns home.

The Union's argument is based on a Q&A document that was posted on a bulletin board.

The company argued that the provisions of the Collective Bargaining Agreement determine the application in this case.

In determining Rest Periods the language in Subsection 208.11(a) of the Agreement states:

- (a) There shall be included as part of the eight hours worked at the overtime rate in such 16 hour period any travel time and mealtime to which the employee is entitled when emergency or prearranged work is performed **except that any travel time and**

mealtime to which the employee is entitled after being dismissed from work shall not be included as hours worked in such period, but it shall be included in the computation of the eight hour rest period. (Amended 1-1-91)

This question has also been answered in PRC 908 and PRC 16392. "Travel time is not considered time work for the purpose of determining double time entitlement under section 208.2(b)."

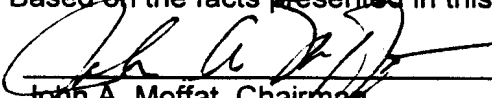
The Vehicle Take home Policy states that "this agreement will not impact the normal provisions of 208 and 212, which includes the provisions of 212.10."

Decision:

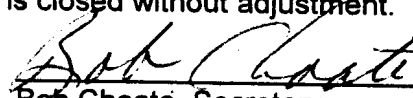
The language in the agreement is clear that under 208.11 (a) that travel time is not used as hours worked in such period, but is included in the calculation of the eight hour rest period.

The vehicle take home policy for this headquarters also makes it clear that the policy would not impact the provision of 208 or 212. That includes the provisions of 212.10. Therefore, travel time home does not count as time worked for the purpose of determining double time.

Based on the facts presented in this case the case is closed without adjustment.



John A. Moffat, Chairman
Review Committee



Bob Choate, Secretary
Review Committee

9/4/2009

Date

9/4/09

Date