



REVIEW COMMITTEE DECISION

**ESC Review Committee File No. 907
ESC Grievance (PG&E 21345)**

Subject of the Grievance:

This case concerns whether employees are entitled to an overtime meal when reporting to a pre-arranged overtime assignment less than two hours before the start of their regular shift.

Facts of the Case:

The grievants reported to prearranged overtime assignments one hour before the start of their regular start time on a regular workday. The grievants submitted for 60 minutes overtime, 15 minutes travel time, and a missed overtime meal under the provisions of Subsection 16.6(b). The grievants were informed they were not entitled to an overtime meal since they did not report two hours or more before the beginning of their regular shift.

Discussion:

The Review Committee discussed that the practice in these situations has been to provide an overtime meal when an employee performs pre-arranged overtime starting two hours or more before their regular shift. This application of Title 16 was challenged previously in the grievance procedure in Review Committee Case 694. That grievance was withdrawn by the Union and the Company has maintained the practice since then.

Effective January 1, 2009, the Labor Agreement was amended to include new language in Section 16.1. The new language defined the average and usual meal practices for day employees as:

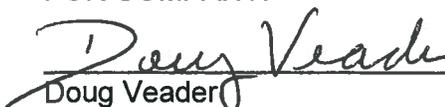
- Breakfast: ½ hour to 1 hour prior to regular work hours
- Lunch: Non-workday lunch is the same as workday lunch period
- Dinner: Between 6:00 p.m. and 7:00 p.m.

The Review Committee discussed whether the new language was intended to alter existing understandings, language, or practices regarding pre-arranged overtime assignment meal entitlements. The Committee agreed that the intent of adding the language was to provide clarity and consistency regarding determining whether an employee's usual meal practice was interrupted in connection with emergency, not pre-arranged, overtime assignments.

Disposition:

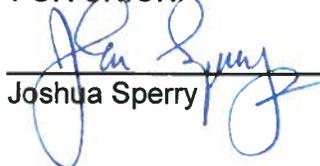
The Committee agrees there is no violation in this case. Overtime meals are not due when an employee reports to pre-arranged overtime less than two hours prior to the start of their regular work hours on a regular workday. Additionally, the Review Committee noted that revisions to the meals provisions may occur as a result of the Joint Meal Committee. Specifically, Item 21 of the June 29, 2012 Table Settlement Cover Letter states "the Company will adopt any revisions by the Joint Meals Committee as appropriate for ESC."

FOR COMPANY:



Doug Veader Date 2/5/13

FOR UNION:



Joshua Sperry Date 2/5/13