

DEPARTMENT OF INDUSTRIAL RELATIONS

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## TRAVEL AND SUBSISTENCE PROVISIONS

FOR

**ROOFER**

(All classifications)

IN

MARIPOSA AND TUOLUMNE COUNTIES

JUL 30 2015

## **STOCKTON AGREEMENT**

Office of the Director-Research

THIS AGREEMENT is entered into effective August 1, 2014 by and between Stockton Roofing & Waterproofing Contractor herein referred to as Employer and Local No. 81 of the United Union of Roofers, Waterproofers and Allied Workers, AFL-CIO.

The term "Employer" or "Individual Employers" as used in this Agreement refers to (1) Employer, (2) any other person, firm or corporation which may become a party to this Agreement.

The term "Local Union" as used in this Agreement, unless otherwise expressly required by the context, refers to Local No. 81 of the United Union of Roofers, Waterproofers and Allied Workers, AFL-CIO.

The term "Union" or "International Union" as used in this agreement, unless otherwise expressly required by the context, refers to the United Union of Roofers, Waterproofers and Allied Workers, AFL-CIO.

## **ARTICLE XI**

### **Travel**

Section 1. Employees may be instructed by the Individual Employer to report directly to the job-site. Employees who are instructed to report directly to a job-site within the free zone shall receive no travel time, expense reimbursement or auto mileage allowance. All employees required to report to the shop shall be compensated at the employee's applicable wage rate.

If an employee elects to report to the employer's shop to receive transportation in a company vehicle to and/or from the job-site within the free zone, the employee will receive no travel time or expense allowance. Time spent for traveling beyond the free zone shall be paid at the employee's applicable wage rate only. If such traveling occurs during an overtime period, time and one-half (1 ½) the employee's rate of wages shall be paid.

When employees are transported in vehicles furnished by the Individual Employer, such transportation shall be safe and lawful. When traveling in an Individual Employer's vehicle, employees are to be protected from wind and rain.

## Section 2.

- (a) Employees shall be compensated for the actual time spent driving trucks from the Individual Employer's shop to the first job-site, or to the first stop on the way to the first job-site if the stop is for a legitimate business purpose related to the roofing work which is to be done, and for the actual time spent driving trucks from the last job-site to the shop, or from the last stop when returning from the last job-site to the shop if the stop is for a legitimate business purpose related to the roofing work which has been performed, at their applicable straight time rates of wages only. When such driving occurs during an overtime period, time and one-half (1 ½) the employee's rate of wages shall be paid.

On no occasions are fringe fund contributions required until employees driving trucks reach the first job-site, or the first roofing related business stop as described above. At such time, fringe fund contributions which are applicable to the employee's classification or category will commence and will continue for all the time for which the employee is paid wages until the employee leaves his/her last job-site, or the last roofing related business stop as described above, following which no further fringe fund contributions are required for that work day.

- (b) Employees shall be compensated for the actual time spent driving trucks from the first roofing related business stop as described in Section 2(a) above to the first job-site, if applicable; from job-site to job-site; and from the last job-site to the last roofing related business stop, if applicable; at their applicable straight time rates of wages. When such driving occurs during an overtime period, time and one-half (1 ½) the employee's rate of wages shall be paid.

For such driving, fringe fund contributions which are applicable to the employee's classification or category shall be paid.

- (c) Any employee, assigned by the Employer, may drive a truck who has a valid California driver's license and who are acceptable to the Employer's insurance company.
- (d) The payment of "wages" for any activity does not make that activity into "work" if it would not otherwise be considered to be work.

## Section 3. Employees shall be reimbursed for their costs and expenses of travel as follows:

- (a) There is a free zone of sixty (60) miles radius from the Manteca City Hall.
- (b)
  - (i) Unless required to report to the shop, employees shall not be compensated for the time spent traveling within the free zone radius from the Individual Employer's shop to the initial job-site for the day, or to the first stop on the way to the initial job-site if the stop is for a legitimate business purpose related to the roofing work which is to be done, and for the time spent traveling from the last job-site each day to the shop, or from the last stop when returning from the final job-site to the shop if the stop is for a legitimate business purpose related to the roofing work which has been performed. The normal dispatch of employees to a project is not work and does not start an employee's work for the day, nor is the return from a job or a roofing related business stop to the shop work.
  - (ii) If employees who are traveling from the shop to a job-site stop en route for a legitimate business purpose related to the roofing work which is to be done, wages at each employee's applicable straight time rate of wages and full fringe fund contributions which are applicable to the employee's classification or category



will commence at the stop and will continue until the employee reaches the job-site.

- (iii) If employees who are returning from a job-site to the shop at the end of the work day stop en route for a legitimate business purpose related to the roofing work which has been performed, wages at each employee's applicable straight time rate of wages and full fringe fund contributions which are applicable to the employee's classification or category will continue until the employee reaches the last roofing related business stop, following which no further wages or fringe fund contributions are required for that work day.
- (iv) If employees travel from job-site to job-site within the free zone during the regular work day, wages at each employee's applicable straight time rate of wages and full fringe fund contributions which are applicable to the employee's classification or category shall be paid.
- (v) When traveling described in subparagraphs (ii), (iii) or (iv) above occurs during an overtime period, time and one-half (1 ½) the employee's rate of wages shall be paid.
- (c) For travel expenses beyond the free zone the Individual Employer shall reimburse the employee thirty-six (\$36.00) dollars per day.
- (d) However, at the Individual Employer's option, instead of reimbursing the employee for travel expense as provided in subparagraph (c) above, the Individual Employer may compensate the employee for time spent in traveling beyond the free zone as follows:
  - (i) For the actual time of travel from the Individual Employer's free zone radius border to the initial job-site for the day, or to the first stop on the way to the initial job-site if the stop is for a legitimate business purpose related to the roofing work which is to be done, and from the last job-site, or from the last stop when returning from the final job-site if the stop is for a legitimate business purpose related to the roofing work which has been performed, to the Individual Employer's free zone radius border at the employee's applicable straight time rate of wages only.

When such traveling beyond the free zone radius occurs during an overtime period, time and one-half (1 ½) the employee's rate of wages shall be paid.

Such travel expense beyond the free zone radius is compensatory up to a maximum of thirty-six (\$36.00) dollars per day. On no occasions are fringe fund contributions required until employees who are traveling reach the first job-site, or the first roofing related business stop as described above, which are located beyond the free zone radius. At such time, fringe fund contributions which are applicable to the employee's classification or category will commence and will continue for all the time for which the employee is paid wages until the employee leaves his/her last job-site, or the last roofing related business stop as described above, following which no further fringe fund contributions are required for that work day.

- (ii) Employees shall be compensated for the actual time spent traveling from the first roofing related business stop beyond the free zone radius as described in subparagraph (c)(i) above to the first job-site, if applicable; traveling between jobs beyond the free zone radius; and traveling from the last job-site to the last roofing related business stop beyond the free zone radius, if applicable; at their applicable straight time rates of wages.

When such travel beyond the free zone radius occurs during an overtime period, time and one-half (1 ½) the employee's rate of wages shall be paid.

When such travel beyond the free zone radius occurs, fringe fund contributions which are applicable to the employee's classification or category shall be paid.

- (e) The payment of "wages" for any activity does not make that activity into "work" if it would not otherwise be considered to be work.

#### Section 4.

- (a) For the purpose of clarification, a shop shall be defined as a regular established place of business in which roofing materials are regularly stored and from which workmen and equipment are dispatched. Any Individual Employer establishing an additional shop or shops must have them in actual existence and operating one hundred twenty (120) days before a job-site is started for the purposes of this ARTICLE.
- (b) Local No. 81 will continue to maintain four offices for dispatching purposes, located in Sacramento, Oakland, San Rafael, and Stockton.
- (c) If an individual Employer does work that falls within the free zone radius-as defined by the applicable agreement-- of any dispatching office, other than his home area union dispatching office and, if the Employer elects to hire any additional employees covered by this Agreement for the particular project, but does not have a regularly established place of business in the area, then the Employer will use the offices of Local No. 81 as described in (b) above for the purposes of this ARTICLE for such newly hired employees for that particular project.

Section 5. When it is necessary for an employee to remain out of town overnight, employer-paid lodging of not less than Motel 6 quality, two persons per room, shall be provided. In addition, each employee shall be provided with a meal stipend of not less than \$36 per work day.

#### Section 6. Use of Employee's Car.

- (a) When the Individual Employer does not furnish transportation and employees are requested to use their own cars when traveling from shop to job, or job-to-job, or job to shop, they shall be reimbursed at the Internal Revenue Service Rate in effect at the time the mileage expense was incurred.
- (b) If the Individual Employer directs the employee to use his or her personal vehicle to report to the job site and free parking is not available, the Individual Employer shall designate one or more approved paid parking locations. If the employee uses an approved parking location, the Individual Employer upon the submission of a valid receipt shall reimburse the employee's actual parking expense. Necessary bridge tolls paid by the employee shall also be reimbursed by the Individual Employer, on or before the next regular payday set by the employer, upon the submission of a valid receipt.
- (c) In using a personal vehicle for Employer business employees shall comply with the following expectations:
  - (i) Require all persons in the vehicle to wear seat belts.
  - (ii) Carry in their vehicle evidence of current auto insurance at no less than the minimum level of acceptable insurance in the State in which the employee is driving for Employer business. The employee may not to operate a personal vehicle on Employer business unless they have current, valid auto insurance.
  - (iii) Maintain their vehicle in safe mechanical condition as required by law. Employees are required to ensure their vehicle is in safe mechanical condition and it will be maintained accordingly. The employee is responsible for regularly checking or inspecting the condition of their vehicle, including such items as windshield wipers, headlights turn indicators, mirrors, emergency flashers, taillights, appropriate steering operation, tire condition, brakes and operational seat belts.
  - (iv) Employees must follow all the rules and laws of the road when driving for Employer business. The employee will be responsible for any tickets or citations they may receive while driving or parking for Employer business whether in an Employer vehicle or a personal vehicle.
  - (v) Any accidents or traffic violations must be reported to a supervisor immediately if they occur during the course and scope of the employee duties. Failure to report an on-the-job motor vehicle accident, no matter

how minor or insignificant, will lead to disciplinary action up to, and including, termination.

- (vi) In the event an employee who is required to drive their personal vehicle loses his/her driver's license or personal insurance coverage and is no longer able to perform their job duties, the employee may be subject to disciplinary action up to and including dismissal from the job.