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DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR STATISTICS & RESEARCH
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TRAVEL & SUBSISTENCE PROVISION

FOR

METAL ROOFING SYSTEMS INSTALLER

IN

ALAMEDA, CONTRA COSTA, MENDOCINO,
AND SOLANO COUNTIES

WORKING AGREEMENT

between

LOCAL NO. 81

of the

UNITED UNION OF ROOFERS, WATERPROOFERS AND ALLIED WORKERS, AFL-CIO

and

ASSOCIATED ROOFING CONTRACTORS OF THE BAY AREA COUNTIES, INC.

AUGUST 1, 2005 – JULY 31, 2010

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ARTICLE XII
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, the applicable overtime wage rate 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 outside the city limits of the Individual Employer's shop, 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, the applicable overtime wage rate 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, the applicable overtime wage rate 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 may drive a truck with preference being given to Foremen and Journeymen who have 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 forty-five (45) miles radius from the Individual Employer's shop.

(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, the applicable overtime wage rate shall be paid.

(b) For travel expenses beyond the free zone the Individual Employer shall reimburse the employee thirty-four ($34.00) dollars per day.

(c) However, at the Individual Employer's option, instead of reimbursing the employee for travel expense as provided in subparagraph (b) 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, the applicable overtime wage rate shall be paid.

Such travel expense beyond the free zone radius is compensatory up to a maximum of thirty-four ($34.00) 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, the applicable overtime wage rate 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.

(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.

(e) Employees will continue to receive mileage from the Individual Employer's shop when transportation is not furnished by the Employer and employees are requested to use their own cars as provided in Section 6 of this ARTICLE.

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 two offices for dispatching purposes, one located in Oakland and the other located in San Rafael.

(i) For any Individual Employer with an established shop located in Alameda or Contra Costa Counties and doing work within Alameda or Contra Costa Counties, the Employer shall use his/her established shop as defined in Section 4(a) for the purposes of this ARTICLE.

(ii) For any Individual Employer with an established shop located in Alameda or Contra Costa Counties and doing work within Lake, Marin, Mendocino, Napa, Solano, or Sonoma Counties, the Employer shall use his/her established shop as defined in Section 4(a) for the purposes of this ARTICLE insofar as his/her regular employees are concerned. If the Employer elects to hire any additional employees covered by this Agreement for the particular project, at the Employer's option, the Employer may use either the office of Local No. 81 in San Rafael or his/her established shop for the purposes of this ARTICLE for such newly hired employees for that particular project.

(iii) For any Individual Employer with an established shop located in Lake, Marin, Mendocino, Napa, Solano, or Sonoma Counties and doing work within any of those six Counties, the Employer shall use his/her established shop as defined in Section 4(a) for the purposes of this ARTICLE.

(iv) For any Individual Employer with an established shop located in Lake, Marin, Mendocino, Napa, Solano, or Sonoma Counties and doing work within Alameda or Contra Costa Counties, the Employer shall use his/her established shop as defined in Section 4(a) for the purposes of this ARTICLE insofar as his/her regular employees are concerned. If the Employer elects to hire any additional employees covered by this Agreement for the particular project, at the Employer's option, the Employer may use either the office of Local No. 81 in Oakland or his/her established shop for the purposes of this ARTICLE for such newly hired employees for that particular project.

(v) For any Individual Employer with an established shop outside the territorial jurisdiction of Roofers' Local Union No. 81 and doing work within Alameda or Contra Costa Counties, the Oakland office of Local No. 81 shall be classed as his/her shop for the purposes of this ARTICLE.

(vi) For any Individual Employer with an established shop outside the territorial jurisdiction of Roofers' Local Union No. 81 and doing work within Lake, Marin, Mendocino, Napa, Solano, or Sonoma Counties, the San Rafael office of Local No. 81 shall be classed as his/her shop for the purposes of this ARTICLE.

Section 5. When it is necessary for an employee to remain out of town overnight, the Individual Employer agrees to pay all reasonable expenses. Each employee shall be reimbursed not less than thirty-four ($34.00) dollars per day for such expenses. In addition, employer-paid lodging of not less than Motel 6 quality, two persons per room, shall be provided.

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 upon the submission of a valid receipt.

ARTICLE XIII
Public Works

Section 1. Notwithstanding any provisions to the contrary in this Agreement or the Addenda hereto, applicable prevailing rates of wages and fringe benefits only shall be paid on all publicly funded work. When prevailing rates of wages and/or fringe benefits are lower than are called for under this Working Agreement:

(a) such work will be voluntary and no employee shall be discharged, or otherwise disciplined, for refusing such work; and

(b) in no case will employer contributions for health and welfare be less than the applicable rates called for in this Working Agreement.

In addition, for travel expenses on Federal projects over fifty (50) miles radius from the Individual Employer's shop which the employee travels to and from each working day, the Employer shall reimburse the employee thirty-four ($34.00) dollars per day. On other occasions when it is necessary for an employee to remain out-of-town overnight when working on Federal projects over fifty (50) miles radius from the Individual Employer's shop, the Employer agrees to pay all reasonable expenses. Each employee shall be reimbursed not less than thirty-four ($34.00) dollars per day for such expenses. In addition, employer-paid lodging of not less than Motel 6 quality, two persons per room, shall be provided.

Any other fringes and working conditions are to paid and provided in accordance with the applicable provisions in the bidding documents (the plans and specifications) for the job.