



TRAVEL AND SUBSISTENCE PROVISION

FOR

ROOFER:

Bitumastic, Enameler, Pipe Wrapper, Coal Tar Pitch Build-Up

Mastic Worker, Kettleman (2 Kettles without Pumps)

IN

SAN FRANCISCO AND SAN MATEO COUNTIES

242-X-4U

RECEIVED
Department of Industrial Relations

JAN 10 REC'D 2019

Office of the Director-Research

WORKING AGREEMENT

between

LOCAL NO. 40

of the

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

and

**ASSOCIATED ROOFING CONTRACTORS
OF THE BAY AREA COUNTIES, INC.**

SEPTEMBER 21, 2018 – JULY 31, 2021

Section 6. Employees shall be compensated for the actual time spent loading and unloading trucks at the Individual Employer's shop at two-thirds (2/3) of their applicable straight time rates of wages only. Apprentices will be paid the greater of (a) the applicable state or local minimum wage, or (b) two-thirds (2/3) of their applicable straight time rate of wages. When such loading and unloading occurs during an overtime period, there will be a time and one-half (1 ½) premium applicable to their rates of wages applicable to such loading and unloading. No fringe fund contributions are required for loading and unloading.

ARTICLE XII

Travel

Section 1. Employees may be instructed by the Individual Employer to report directly to the job site. Employees who report directly to a job-site within the free zone will receive no travel time or expense reimbursement nor will they receive any mileage allowance if they elect to use their own vehicle. All employees required to report to the shop shall be compensated at the employee's applicable wage rate.

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 rate 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 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.
- (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 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 forty dollars (\$40.00) 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 during the regular work day 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, back to the Employer's free zone radius border, the employee shall be compensated 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 forty dollars (\$40.00) 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, 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; from job-site to job-site 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 rate 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.

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 \$40.00 per work day.

Section 6. Use of Employee's Car.

- (a) When transportation is not furnished by the Individual Employer 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 utilizes 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.