

U.S. Borax Proposal re: Overtime
Thursday, November 19, 2009, at 2:30 p.m.

New Article (Overtime)

It is the Company's intention that this proposal will replace any and all overtime-related provisions in the CBA.

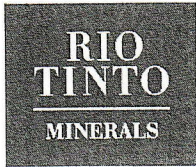
Section 1. Overtime Pay: All hours worked in excess of forty (40) hours in any workweek will be paid at one and one-half (1½) times the employee's regular rate of pay.

Section 2. Overtime Worked:

- a. No employee may refuse to work overtime, unless applicable law prohibits the requirement of such overtime work. If employees fail to work any required overtime, the Company may use any means possible to perform the work, may discipline said employee, and may disqualify said employee from working any voluntary overtime.
- b. An employee may be excused from overtime work for good and verifiable reasons as determined by the employee's supervisor.
- c. No employee will be required nor allowed to work in excess of sixteen (16) consecutive hours worked, except in cases of emergency.

Section 3. Overtime Distribution:

- a. Overtime will be distributed in a fair and equitable manner. In an effort to balance overtime work opportunities, area overtime units will develop procedures for fairly and equitably administering overtime. The area overtime unit and the overtime procedure/policy will be discussed with the area overtime unit's employees and the Union and, if reduced to writing, the Company will furnish the Union with a copy. In developing these overtime-assignment procedures, the Company and Union recognize the following conceptual guidelines:
 - (1) The Company will strive to first assign overtime to any qualified employee within the area overtime unit who expresses their interest in working such overtime;



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- (2) The Company will then strive to assign overtime to any qualified employee from outside the area overtime unit who expresses their interest in working such overtime;
 - (3) The Company has the right to require any employee to work overtime; and
 - (4) Just as the Company has the obligation to not assign overtime in a discriminatory manner, so too does the Union have an obligation to ensure that employees do not game the overtime system.
- b. Employees should identify valid overtime imbalances and work with their Supervisor to resolve such imbalances in a mutually agreeable manner.
- c. *Job Continuation Overtime:* Notwithstanding the foregoing, the Company has the right to assign overtime to any employee who, in the Company's determination, needs to continue working on an assigned task beyond the end of the employee's shift.