Date Filed: October 01, 2026

Witness: John P. DiPaola-Tromba, Sean D. Redding and Jenna Turner
Request from: Office of Education, Outreach, and Enforcement

Question:

(MS24A-VENDOR-TREE) Refer to Exhibit ACCT-2 CLP-1 and Confidential Exhibits ACCT-2 CLP-1A-11 through CLP-1A-16. The Company reported 141 incremental charges for the Lewis Tree Service Inc vendor with approximately 43 invoices where it appears that the vendor failed to bill the required hours at ST rates. Respond to the following:

a. Explain why the vendor was not required to bill at ST rates for the hours billed through 1630.
b. Explain why the vendor was permitted to bill for an entire hour short of the 1630 timeline and failed to account for nine hours of ST. (see e.g., Rows 329, 369- 378).
c. Provide an unlocked Excel spreadsheet detailing each invoice referenced above (i.e., the referenced Rows) and identify the total number of hours billed at OT rates through 1630, along with the corresponding incremental charge. To be clear, this request is looking for the differential between the OT rate and ST rate multiplied by the hours billed.

Response:

a. Please refer to the Company's response to EOE-128[i] and EOE-128, Attachment 1. The normal working hours for tree crews are 7:00 AM to 4:30 PM (or, stated differently, 07:00 to 16:30) and the tree crews are paid nine hours of straight time for time worked during these hours, up to the first 45 working hours, with a 30-minute unpaid meal break. The 30-minute unpaid meal break is in accordance with CT G.S. Chapter 557 Section 31-51ii Subsection A, which states: "*No person shall be required to work for seven and one-half or more consecutive hours without a period of at least thirty consecutive minutes for a meal*. Such period shall be given at some time after the first two hours of work and before the last two hours." The period is unpaid in accordance with the Fair Labor Standards Act, which states: "Federal law does not require lunch or coffee breaks… *Meal periods (typically lasting at least 30 minutes), serve a different purpose than coffee or snack breaks and, thus, are not work time and are not compensable*."

   The storm working hours are from 7:00 AM to 4:00 PM (or, stated differently, 07:00 to 16:00). This is due to the fact that a 30-minute, undisturbed, break cannot be guaranteed during storm response activities and duties, in accordance with CT G.S. Chapter 557 Section 31-51ii Subsection C Part 4, which states: "the continuous nature of an employer's operations, such as chemical production or research experiments, *requires that employees*

be available to respond to urgent or unusual conditions at all times and such employees are compensated for break and meal periods."

The distinction between normal working hours, 7:00 AM to 4:30 PM, and storm working hours, 7:00 AM to 4:00 PM, is due to the continuous nature of the Company's storm response activities and the statutory requirement to compensate employees for their meal period when they are required to respond to urgent or unusual conditions at all times.

b. The vendor is not permitted to charge OT during the storm working hours, from 07:00 to 16:00. Referring to Exhibit ACCT-2 CLP-1 and Confidential Exhibits ACCT-2 (CLP-1A-11)(MS24A) through ACCT-2 (CLP-1A-16)(MS24A), the Company reviewed all Lewis Tree Service Inc. invoices and found eleven discrepancies that occurred due to human error.

c. Please refer to EOE-223, Attachment 1 CONFIDENTIAL, for an unlocked spreadsheet calculating the differential between the OT and ST rate multiplied by the number of hours billed at the OT rate from 07:00 through 16:00, totaling $419.44. The Company will supplement Exhibit ACCT-2 (CLP-01) (MS24A) to remove $419.

Prior Referenced Response:

---

[i] EOE-128 Question:

(VEGETATION CREW HOURS) Confirm whether each tree crew vendor's contractual "normal working hours" remain 7 AM to 4:30 PM (i.e., 0700 to 1630) for each weekday, or a maximum of 9 hours. As part of the response, identify each tree crew vendor and cite the contract provisions that detail these hours. If the contracts do not detail the normal working hours, please provide email or other communications supporting the normal working hours that would bill at standard time (ST) rates.

EOE-128 Response:

The normal working hours for local tree crews are confirmed as 7 AM to 4:30 PM (or, stated differently, 07:00 to 16:30) and the tree crews are paid nine hours of straight time for time worked during these hours, up to the first 45 working hours, with a 30-minute unpaid meal break. This language is not included in contract provisions, rather it is a department practice.

Please refer to EOE-128, Attachment 1, for the Eversource Contractor Tree Crew Work Schedule.