

## **Wage Dispute and other Updates**

### **PTI Drivers**

**August 19, 2016**

Greetings from the USW-UPSEU Union Service Agreement Project,

While most drivers go about their daily routines, the union has been contending with a bunch of major issues on your behalf. I'll try to be brief as I update you:

- **The PTI April 1, 2016 Wage Increase Dispute:** The process to get PIT drivers their contractually required raises is a slow one, and we're well aware that many drivers are frustrated by the pace of this effort. Keep in mind that the Company is counting on that slow pace and frustration to weaken our resolve to get what is due PTI drivers. Here's where we are:
  - **Attorney Assigned:** The Union has assigned our top Contracts Attorney and Director of our Contract Department, Bob Clark, to lead the case. He is busy preparing for presentation to an Arbitrator.
  - **Arbitration Panel Request:** The Union has started the paperwork necessary to select an Arbitrator. Under our Contract we use the Federal Mediation and Conciliation Service (FMCS). We file for what is called an Arbitration Panel and the FMCS gives us 7 Arbitrator's to choose from. The Company and the Union have to come to agreement on one of the 7, or another panel is presented to us. The FMCS will provide biographies of the proposed panel Arbitrators and the Union knows most of them through our extensive arbitration activity. Once an Arbitrator is selected, a hearing date will be set. Once the hearing or hearings are concluded, the Arbitrator has to write a decision
  - **NLRB Charges:** The Company still has not provided the Union with the detailed information we need to figure out exactly who they underpaid, how much, and for what reason. As a result, the Union filed a charge with the National Labor Relations Board, asking the Government to require PTI to provide that data. We have submitted an affidavit to the NLRB and awaiting their action on the matter. We are not holding up

the Arbitration, but will make sure the Arbitrator understands any backpay will require this information.

- **Company/Union Meeting:** As part of the notification to PTI that the Union was moving this issue to Arbitration, we offered a discussion to be sure we understood as much of their position as possible and give them an opportunity to resolve the dispute. The Company has agreed to that discussion and we are in the process of scheduling a face to face meeting for that purpose.
- **Grievances and Pay Disputes:**
  - **Caselog Review:** We had an International Union/Corporate Caselog Review in this past week. These are conference calls that go about 5 hours and review unresolved issues that have been appealed from the Branch level by our Stewards and Staff. Both Union Staff and Corporate Human Resource people participate in an effort to resolve issues that could not be handled by location and regional people.
  - **The Numbers:** The last Caselog Review went over 60 cases. Fifty Eight of them were terminations. Thirty Two of those are pending some kind of resolution and the remaining 28 were resolved in some manner. At this point we have a half dozen more terminations to deal with and one hundred and fifty non-termination issues yet to discuss. More reviews are on the schedule for next week. Forty One cases are pending Arbitration.
  - **Vacation and Personal Days:** We have been experiencing a huge upswing in the number of drivers who have applied for vacation or sick days and simply do not get paid. Many of these drivers go on vacation and find they are not getting their money. When drivers and branch managers question corporate, they are regularly given a runaround. The PTI Chief Financial Officer, Brad Harrison has committed to getting these issues resolved and pretty much has, when its brought to his attention. So on vacations and personal days, if you've been shorted and don't get a resolve from the payroll hotline or your BM, make sure your union steward forwards the dates to us and we will have Mr. Harrison alerted to your issue. We are told this will get better, but we're not seeing it

yet. It is an indication of internal company problems when the CFO of a company has to deal with these kinds of claims.

- **Discipline:**

- **Speeding:** Speeding violations are still costing a lot of PTI drivers their jobs. The company now is using the Trimble system to track speeding at **ALL** speeds, not just above 80mph as they did previously. The contract rule still says that you have to be 10mph over the posted limit to be disciplined. The first violation is a 3 day penalty. The second is termination. Be aware and drive accordingly.
- **Hit by Train:** In the first year that the USW serviced the PTI contract we only had one “hit by train” accident in our grievance caselog. In the last couple of months we have a handful. We’re not sure what’s going on here, but in a contest between a Railroad car and a Minivan, there is no question who loses. The company has gotten less understanding of the circumstances around these incidents and drivers should be aware that terminations are almost certain to result from a train hit now and the union will have to fight it out while a driver is off work.
- **Backing with Crew:** - Backing is probably the third highest reason our drivers are being disciplined. In most cases the Railroad Crews pressure drivers to get them closer to their drop off points. It’s surprising how many of these backing incidents result in hitting something (usually with minor or no damage) and triggering the Drive/Cam. The Railroads don’t seem to be doing much about this with the crews, but hold PTI and our drivers responsible if they back and hit something. As difficult as it is, we should be avoiding backing under any circumstances and if the crew gets upset, call your BM and have them talk with a PTI supervisor. This is not worth time off or your job.

- **The Economy Continues to Drive Decisions:** Maybe some folks are seeing a growing economy, but those involved in the Railroad industry haven’t got the memo. For PTI drivers, it’s a matter of being at the bottom of the totem pole. The industry rail traffic seems to be down by about 30% or more with no one predicting improvement before the end of the year. The Railroads are losing money and cutting every penny they can. That includes squeezing all three

crew hauling companies. PTI lost a decent chunk of business to the other two rail crew haulers (Renzenberger and RailCrew Xpress) over the past six months. So you have a big drop in trips and a loss of locations all coming together and hurting our drivers and their income. PTI has a relatively new Chief Executive Officer and Chief Operating Officer. It's pretty clear they are reviewing every single spending item within the Company and have gathered all the authorization for any spending at the top. In "corporate speak" they are "managing cash flow". For the PTI driver it means a fight to get every penny you have coming to you.

- **Support the Union and your Stewards:** As you can see, the union has a full plate representing PTI Drivers. We are also organizing former PTI drivers whose location has gone over to the other two companies. We have drivers who are frustrated and blame the union for a number of the problems drivers are encountering. It would be good to remind them where they would be if the union was not there. This is a time to support the union's efforts on your behalf and be vocal with those who would break our unity.
- **Distribute and Sign Up:** We hope this Update is helpful and urge you to post it and pass it around your location. As usual, send us your email to be added to the Update list. Send to [1222@usw.org](mailto:1222@usw.org)