

# UNION Driver Update

7-1-2016

## *Have a Safe and Happy July 4th*

The hotline calls and emails keep coming to the Union, asking what progress we are making on the company's refusal to properly implement the April 1, 2016 wage raise. This should update you and provide a bit of an explanation of the process.

**NLRB Information Charge:** The Union has filed a charge with the National Labor Relations Board that is asking the company to divulge full information on an individual employee basis that tells us exactly what they are paying each employee, if they denied them the full contract raise, and what their justification for that is. This information is important for the Union to properly put a case before an Arbitrator, and we are confident that it will be granted by the NLRB. We don't have a timeline for when the NLRB will act.

**Contract Arbitration Case:** At the same time we are looking for the NLRB to act, our Contract's Department attorneys and technical staff are working with the UPSEU/USW PTI Project Staff to prepare our case for Arbitration. This involves gathering all the information we have available to us, collecting our bargaining notes and lining up appropriate witnesses that can assert your rights and the contract's intent. Here too, we don't have a firm set of dates we can provide, but we are moving the case as quickly as is possible.

**State Level Laws on Wage Theft Review:** Our Legal Department is conducting a review of state laws that may help us pursue driver rights under Wage and Hour statutes and the authority of State Attorney Generals. We see this as a potential additional avenue to get drivers their proper payments.

**What is the NLRB?** :The National Labor Relations Board (NLRB) is an agency of the United States Government that administers the laws relating to these kinds of contract disputes. Once a charge is filed, a Board Agent is assigned, affidavits are provided, and the Regional office issues a determination. That determination is subject to review by the National Board and ultimately the courts.

**What is Arbitration?** : The contract that the Union negotiated on your behalf has a dispute resolution section that is contained in Article 20. You are familiar with how the Grievance Procedure operates at the location level with a Steward taking issues to the Branch Manager and Regional Manager. You probably are aware that unresolved issues then get discussed between the Union and the Corporate Human Resources department. What you may not be familiar with is the right we have to take unresolved corporate level issues to an Arbitrator that is jointly selected by the Union and the Company. The Arbitrators come from another government agency called the Federal Mediation and Conciliation Service (FMCS). That agency will provide a number of seasoned Arbitrator names and biographies to the union and company to arbitrate the case, and the union and company have to agree on one of those on the list. Then a formal hearing is scheduled and conducted that is much like the trials you see on TV.

Each side has a presenter of its case, there is evidence introduced, and witnesses testify. Ultimately the Arbitrator issues a decision and the union and the company agree to be bound by that decision. While this process can deliver the justice we need, it is far from a drive thru fast food lane.

**Anger and Frustration:** There's an old saying that justice delayed is justice denied. Certainly this situation has lots of members and all of us at UPSEU/USW frustrated and in some cases just down right angry. When a major corporation like PTI decides to abuse its employees in this way, it's exactly what can be expected. But PTI drivers have something to fight with. You have a Union and a Union Contract. That Contract guarantees your wage rights and provides a process to make sure its honored. Without that Contract and a Union that has the ability to pursue your rights, PTI could not only renege in any wage increase promises, but reduce your wages . This is a time to support what the Union has outlined in this Update. You should challenge those who would use this situation to break union solidarity to tell you what their plan is.

Some company people, mostly at the Branch Manager level, have also tried to take advantage of the situation. We have several instances where drivers were told that the union had given up on the wage raise issue, or the union had made a settlement on the issue. As you can see, not only has the union not given up, we are devoting substantial staff and incurring substantial costs to get drivers their just due. Let us know if you hear any of this kind of mis-information from the Company or another driver and we will reach out and correct them.

We don't have the email addresses for all drivers, so you can help us by passing this Update around, posting it in your workplaces, and discussing it with your coworkers. If you want the Union to be strong, then you have to be a UNION.

**In solidarity,**

***Ike Gittlen, Coordinator***

USW Crew Transportation Project

60 Boulevard of the Allies

Pittsburgh, PA 15228

Phone: 866-203-4960

Email: [igittlen@usw.org](mailto:igittlen@usw.org)

Fax: 412-562-2318