

UPSEU-USW Service Agreement

Union Drivers' Journal

Organizing Crew Transporters for a Better Life On and Off the Job

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December 13, 2017

Union Crew Hauling Driver Update

Union Files “Answer and Counterclaim” Wage Suit:

On Friday, December 8, 2017 Union Attorney’s filed what is known as an “Answer and Counterclaim” on behalf of PTI drivers. We will make that filing available on the UPSEU Local 1222 Website at:

https://www.local1222.org/index.cfm?zone=/unionactive/view_page.cfm&page=PTI . The Federal Court timetable will be determined when the Judge holds a preliminary hearing on the issues. The Union is seeking what is known as a “Summary Judgement,” which means we think the Judge should throw out the Company suit because there is no legal basis for its claim. The Judge will establish a timetable for the hearings and briefs that will be part of these court actions. We will let you know what that schedule is once it is set.

Company Mails Drivers a Curious Letter:

In the last couple of days, drivers have been receiving a letter from PTI President Ryan Kassenbrock. The letter seeks to correct what Mr. Kassenbrock claims are “misleading” communications from the Union on PTI’s failure to pay the 2016 and 2017 Wage increases. Increases called for in the jointly agreed-to Collective Bargaining Agreement they signed in 2015. In the letter, Mr. Kassenbrock tries to make the same arguments that the Company made to Arbitrator Simeri. Arguments that the Arbitrator overruled and declared the company in violation of the contract.

Not Normal Employer Conduct:

The letter seeks to paint this dispute as simply a regular part of doing business and a normal process for labor/management negotiations. That couldn’t be further from the truth. The entire reason unions and companies agree to arbitrate disputes is so they don’t end up in the crowded and expensive court process. The fact is that the numbers of arbitration decisions that are successfully appealed to Federal Court are extremely low. Three famous cases, called the “Steelworkers Trilogly” makes it very rare for an Arbitrators decision to be overturned by the Courts. That’s why the union has characterized the company’s federal court suit as a “desperate” act. Not misleading. Just the reality!

Mr. Kassenbrock Knows Better:

There is something else that is curious about the PTI letter. The signer of the letter, Mr. Ryan Kassenbrock did the calculations on what the various union/company money proposals would cost in the 2015 Contract negotiations. Union witnesses testified in the Arbitration that those calculations were based on full wage increases for ALL locations. The Union's testimony was uncontested because the Company chose not to have Mr. Kassenbrock testify at the Arbitration. In fact, the Company never put any management person on the witness stand that was actually involved in the 2015 negotiations or prior negotiations. Now's a little late to claim the company has a legitimate position. The place for that was on the record, subject to cross-examination in the witness chair in front of Arbitrator Simeri.

So Why Did the Company Put out this Letter?

Aside from an attempt to drive a wedge between drivers and their Union, the Company seeks to convince drivers that PTI really didn't commit to raises in 2016 and 2017 and since it's a tough business climate out there, drivers should be happy with the wages they already have. Drivers aren't stupid. They know when they've been screwed over. Only a management that lives in an alternate reality would seek to convince employees that the company's defiant refusal to live up to their written, signed commitments, are somehow justified.

Maybe PTI is seeing their workforce's negative reaction to their despicable refusal to pay what drivers are due. And it's got them worried. And they should be worried. We have a new contract to negotiate by March 31st of 2018. If the workforce is in a foul mood, agreements about a new contract will be hard to reach. Drivers have good reason to ask, "*why we should reach another Agreement, when the Company failed to honor its last one?*" If the attitude of PTI drivers becomes evident to the Railroads, they may well walk away from PTI to avoid its self-created internal difficulties.

The real answer for PTI is to stop putting out ridiculous justification letters and pay drivers what they owe you. But then the entire purpose of what PTI is doing is to take this money from you.

Letting the Company Know Where You Stand:

The Kassenbrock letter is evidence that PTI is worried about you and how you see the Company. There is pressure on them. That pressure can be helpful in resolving the wage dispute and gaining a decent 2018 Contract. But we need to up our game and increase the Company's discomfort and concern. A way to show they are bringing us closer, not dividing us. You can signal your solidarity by making sure that you and your co-workers are signed up as union members. As we've pointed out before, the Company knows how many of you are willing to put your money on the line for the Union's work. We will be distributing who the non-members are at your location. Let's all talk to these folks and get them to help build our solidarity and strength. This is everybody's job!

Signing up on your Smartphone:

You and your co-workers can become union members by using the Text function on your Smartphones. Simply put "47486" in the "Send To" box, put "jointpti" in the Message box and answer the question prompts all the way through to the end. Time to demonstrate unity.

Clip this Out and Carry it With You

There is Another Way for PTI:

Instead of disrespecting drivers and trying to trample the union contract the Company might do an about face. Drivers hold a lot of answers to PTI's competitive issues. In addition, the Union can be a way for all the Companies in the Crew Hauling Business to approach the Railroads together and start to work through reimbursement issues. That would mean PTI would have to see its workforce and union representation as part of the solution, not part of the problem. Right now, that's not something most of us would wager on.

Happy Holidays from UPSEU and the USW

America Works Best when you say Union YES!

Text SignUP
Address: 47486
Message: jointpti
Answer the Prompts

Online SignUP
<http://local1222.org/>
then click
"Online Membership Application"
in the lower left column

CONTACT USW/UPSEU
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