

UPSEU-USW Service Agreement

Union Drivers' Journal

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

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PTI Union Crew Hauling Driver Update

January 23, 2018

2016 Wage Case – What’s Happening: There is lots of interest in the status of the 2016 Wage Arbitration Decision (which the Union won for Drivers). As you know, the Company has gone to Federal Court to try to have a Judge vacate (throw out) the favorable Arbitrators decision. Here is the path through the Federal Court:

Pre Trial Case Management Conference Call: The Court has scheduled a Pre Trial Case Management Conference Call between the lawyers for January 31, 2018. In this step the Judge listens to a brief explanation of the issues, discusses the legal filings and responses that will be necessary, sets a schedule of when briefs (written submissions of the issues) are due, and may determine that the Parties should confer with a Mediator, prior to moving forward.

Mediation: In this step, the Judge requires the Parties to confer with a court mediator in an effort to resolve the issues prior moving the case forward to the brief submission stage. It is unknown how long this phase may take, if the Judge requires it.

Briefs: If the Judge does not order Mediation, or if the Mediation does not yield a resolution, then the Parties will submit Briefs to the Judge. This is typically a 45 to 60 day process, but can take longer. The following is a general outline:

First is a Summary Judgement Brief where each side lays out it reasons why the Judge should side with them. The company will argue that the Arbitrator exceeded his authority and the Union will argue that the Judge should enforce the Arbitrators decision in the driver’s behalf.

Second is a Response Brief, where each side responds to the Summary Judgement Brief of the other Party.

Third is a Reply Brief where each side responds to the Response Brief.

Decision on Summary Judgement: At some point after the briefs are submitted, the Judge will resolve the case by ruling in favor of one side or move the case further in the process.

2018 Negotiations and Company Stalling: Clearly the Company strategy is to stall around until we begin bargaining the new labor agreement. Our

current agreement expires on March 31st, 2018. We have filed the necessary paperwork with the company to open those negotiations but have not set a date to start yet. We have made a number of information requests that will help us determine our negotiating submissions.

Union Driver Contract Survey: Those drivers who were around in 2015 may remember an extensive questionnaire the Union sent out to all drivers. That survey was the basis of our negotiations with the Company and we started negotiations with a slide show that clearly indicated the issues we intended to bargain over came directly from our drivers. We will be sending out the 2018 Survey shortly. We urge every driver to take the time to fill the survey out completely and promptly. The Survey you fill out will not be shared with the Company. Only the overall summary of responses. This is the most direct way your issues can get on the bargaining agenda. The Union is doing its job and we need you to do your part. Don't say it doesn't matter. The Union has proven it does matter. A strong return of surveys shows the company that drivers are plugged in and actively helping to create the negotiations agenda. Thanks in advance.

PTI Backing Policy: In November and December the Union began hearing from our Stewards and drivers that the Company was unveiling a new policy on "backing" vans. It sounded like the typical heavy-handed, discipline-prone, "we're gonna get you" policy that PTI excels in. When we questioned the Company about it they claimed the policy isn't changing. However they didn't deny that they were talking about strict enforcement, no backing without prior permission from a supervisor or dispatch, required use of personal cell phones, and some kind of multi-step checklist that drivers had to do before they were allowed to back up. The Union offered up an alternative cooperative program where the Company would agree to shelve its discipline for minor backing incidents in exchange for meetings and discussions with drivers and the Railroad about why backing happens. We know drivers are caught between management, the railroaders and the railroad when it comes to backing. So just following policy isn't always an option. Yard conditions play a huge role in all this as well. To make a long saga short, the company agreed to the cooperative program, but would not make minor incidents non-disciplinary. Since we're not going to ask you to cooperate and then get written up, we told the Company they are on their own. Incidentally, the numbers of incidents and damage do not seem horribly out of line with the miles and conditions drivers work under. So bottom line is when they start the new program, let us know and we will grieve any action where the rule is unreasonable, cell phones are required, conditions don't allow policy to be followed, etc. This is a company that still views its workforce as the enemy. It will also be interesting to see the Railroads reaction when it takes a half hour to get permission to back up.

Direct Dealing: It is illegal under our Contract and Federal law for the company to make individual deals with employees. The Union is not in agreement with these deals and when you see one, let us know immediately. We have evidence that the company is doing just that, particularly with new hires in places they are having difficulty recruiting drivers. Article 23, Section 2 on "Extra Agreements" covers this.

The sooner we reach a majority at each of these locations, the sooner you gain union protection. If you are a former PTI driver who has accepted employment at one of these BNSF sites, please contact Vicki Fuston at

509-205-9608 to sign a USW membership form. We are making progress on signing drivers up. Wages will be determined by location. The USW has been re-organizing those drivers and we have an agreement with Renzenberger to put them in a contract with the same terms and conditions as the current umbrella agreement we have for other former PTI sites. In late 2017 the BNSF Railroad took a number of locations in the Pacific Northwest and Iowa away from PTI and awarded them to Renzenberger and RCX. BNSF Locations in the Northwest:

Solidarity is Working: In the last update we discussed how important it is for drivers to sign up as members to show the Company that they are together and back the Union's work on their behalf. Since then we have seen an upturn in voluntary signups. Let's keep this going. Work with your non-member drivers at your location. Talk to them about the importance of membership as we go into this contract negotiations period. Let them know that their dues dollars are less than the cost of staff, the arbitrations, federal lawsuits and other work the Union is pursuing on their behalf. They need to put their shoulders to the wheel. Become an activist on behalf of the union and you will be helping yourself and all drivers get a decent 2018 contract. Combat the "divide and conquer" company strategy with good old worker solidarity.

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 "joinpti" 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

Feel Like You're Being Picked Apart? Try some SOLIDARITY!

America Works Best When We Say "UNION YES"

Share this Journal with Your Co-Workers

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