

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 Driver Update

September 11, 2017

PTI Wage Arbitration Status: As you might imagine, there has been a great deal of interest in the Arbitration over the 2016 PTI failure to pay the contractually required Wage Increase. Here is the timeline to a decision:

- **July 19th - Hearing:** The hearing on the case was conducted on July 19th.
- **August 1st - Receipt of Transcript:** The formal transcripts (the court reporters actual word for word typing of the Hearing testimony) were due to the Parties and the Arbitrator within 30 days. The Transcripts were actually delivered on August 1st.
- **September 6th - Lawyers Briefs:** The Arbitrator gave the lawyers on both sides 30 days to send in their Briefs. A Brief is the final written argument from each side that sums up their position on the case. Because of the Labor Day Holiday, the Arbitrator agreed to September 6th for the Briefs to be done. The Union will post the Union Lawyers brief on the LU1222 website shortly for you to read.
- **Before October 6th - Arbitrators Decision:** Lastly, the Arbitrator committed to issuing his decision within 30 days of receiving the Briefs. So that means we should have a decision on this case any time before October 5th.
- **Cautions:** A couple of things the Union is cautioning drivers about:
 - NO arbitration is a sure thing. So if you're counting your money before the Arbitrator rules, you're counting your chickens before they hatch.
 - even if the Arbitrator rules in our favor, he has the ability to decide what the remedy will be. That can range from nothing to full compensation for any losses.

Location Wage Scale Increases: From time to time PTI realizes that its wages are not high enough to attract and retain drivers in a particular location. Occasionally they decide they need to raise entry level wages to help with the lack of new recruits. Recently PTI has submitted to the Union wage scale increases at Ft. Worth, TX, Dallas, TX, Odessa, TX, and Williston, ND. These are at Level 1 and Level 2. We also

have a “wait time” increase request for Minneapolis & St. Paul. The Union has some questions about how PTI proposes to implement these increases and are working through these requests.

Norfolk-Southern New Locations: Earlier this year, Norfolk-Southern RR awarded a number of locations that had previously been serviced by Renzenberger, to PTI. In the effort to win the bids for these locations, PTI offered rock bottom wages to initial drivers. They were so low that in a number of locations PTI had to raise them voluntarily to attract enough drivers to service the location. The Union filed a grievance for all these locations, citing contract language that calls for a variety of factors to be considered in setting wage scales. We have given the Company a proposal to resolve this issue and are awaiting a response.

BNSF Changes: BNSF RR has awarded a number of locations in the Pacific Northwest to Renzenberger and RCX. There is no set date for the transfer of these contracts, but those other firms are recruiting in some of those areas already. The union has advised these drivers what they will need to do if they want to retain union representation and enjoy a labor contract at the new companies. We will be working on these issues as the locations transfer vendors. Without a union contract these drivers will start as new hires and have no rights other than the minimums provided by law.

NEMT Medical Transport Issues: A few years ago PTI decided to try its hand at the Medical Transport business. This is mostly transporting Medicare patients from their homes to doctor appointments and non-emergency hospital visits. We have a number of complaints that PTI has not provided the contractual benefits to these drivers, even though the Contract specifically covers them. The Company has been unresponsive to these drivers’ complaints or the Union’s information requests. The Union is preparing a National Labor Relations Board Charge over these issues as well as processing the issues through the complaint and grievance procedure.

Grievances: As of this Update, the Union has processed 857 cases at the PTI Corporate level since 2014 (when the USW signed the UPSEU/USW Service Agreement and began handling PTI issues). We have resolved, withdrawn or arbitrated 744 of those issues. For the first time since the USW became involved with PTI, we are able to say that each of the 123 unresolved cases have been discussed at least once. The most frequent issues that come to the Corporate level are terminations, disciplinary actions, pay errors (including vacation issues) and improper application of seniority (bidding and reductions in work). These are the recorded cases. Our Area Representatives and Stewards have handled thousands of issues at the location and General Manager level during the same time frame, and been able to resolve those issues without appealing them up the Grievance Procedure. Most of the drivers involved in these cases never

thought they would have a problem with the company. They understand the value of a Contract and an active Union now.

Trial Scheduling Agreement in Louisville: The Louisville location has been chronically short of drivers and needed to try something different. PTI V.P. Mike Morin proposed a trial that would provide more hours for drivers and a more predictable schedule. UPSEU/USW Area Rep Darryl Turner met with Morin and the Louisville drivers to discuss the plan. After receiving overwhelmingly positive responses, we have entered into a trial agreement. Basically, the company will put up bids for a large number of the Over the Road shifts in Louisville. In addition, three of the five day schedule will include a guarantee of 8 hours pay at wait time rates. Two more 12 hour shifts will be scheduled during the busiest trip times. This should provide the drivers with a steady income and a known schedule. In return, the drivers must take all trips they are offered. While this solution doesn't fit every location, it does address some of the underlying reasons crew hauling companies have such high turnover. We'll see how this trial works out and report back to you.

Railroad Crew Haulers Alliance: Several Unions who represent drivers in the Railroad Crew Hauling Industry continue to build our informal Alliance. We have held Steward/Leadership Meetings for our Indiana/Illinois and Ohio folks so far. These were "meet and greets" where substantial time was devoted to getting to know the issues each group faced, the contract situations they are in. Also discussed was how to utilize the collective strength of a unified driver's voice to improve the situation for everyone. In what turned out to be a bit of a surprise for PTI, the United Electrical Workers (UE) invited USW Coordinator Ike Gittlen to their opening bargaining session with PTI's Ohio locations. We've also shared contract language and intend to develop a longer term strategy that will improve the situation for drivers.

The backbone of the UPSEU/USW Crew Hauling effort are the location stewards. They are the early warning system when things are going wrong, the first level of redress for complaints, and the key to keeping membership strong at your location. They are recognized labor contract representatives for you under the law. When the UPSEU/USW service agreement first began in late 2013, we were down to less than 30 Stewards. We have built that back up to over 200. However, we still have locations without a Steward and the turnover rate for drivers requires us to constantly replace those who are leaving. If you do not have a Steward at your location, please consider volunteering to be one. Call your Union Area Representative and discuss what's involved or leave us a message on the HotLine. We are heading into Master Contract Negotiations in 2018 and the Stewards will be our key points of contact and two way communications with you.

UPSEU/USW Union Area Representatives:

- The UPSEU/USW Railroad Crew Hauling Project has four drivers serving as Area/Representatives. They are there to assist Stewards, help organize drivers and process complaints. When you call the Hotline, your issue will be assigned to your area representative, who will call you. That's why it is critically important that you speak slowly and clearly on the Hotline and leave your Name, Phone Number and Location. We have had drivers who have called the Hotline several times, angry that they did not get a call back. However, they never left their name or phone number. The Hotline does not have caller ID.

The Area Representatives are as follows:

- Northeast/Midwest States – Jeff Kramer – (317) 691-7690
(IA, IL, IN, MA, MI, MN, NY, OH, Western PA, WI,)
- South/Middle Atlantic States – Darryl Turner – (205) 253-3016
(AL, DE, GA, KY, Eastern LA, MD, MO, MS, NC, NJ, Eastern PA, SC, TN, VA, WV, FL, CD)
- West of the Mississippi States: Vicki Fuston – (509) 205-9608
(CO, ID, KS, MT, ND, NV, OK, OR, SD, UT, WA, WY)
- – Southwest - Jackie Bell – (817)-343-8862
(AR, Western LA, TX,)

Please Use the Process: The Union Contract calls for drivers and Stewards to attempt to resolve an issue with the Branch Manager first. Then the Steward should contact the General Manager or Regional Manager. Failing to resolve an issue at those levels, the Area Representative should be brought into the situation. The Area Representative will then attempt to resolve the issue or appeal it to the Corporate Level of the Grievance Procedure. The fact is that the lower in the process we can get an issue settled the better. There's an old saying, *Justice delayed is Justice Denied...* Where a Driver leaves a message on the Hotline, that call will be routed to the Area Representative, who will determine how best to resolve the issue.

Sign UP and Pass it Around: If you get this UPdate, please pass it around to drivers who may not be on our email list. Drivers can sign up for the UPdates by leaving their name, company, location and email on the HotLine.