INTERNATIONAL BROTHERHOOD OF TEAMSTERS

JAMES & HOFFA General President

25 Louisiana Avenue, NW Washington, DC 20001



C. THOMAS KEEGEL General Secretary Treasurer

> 202.624,6800; www.teamster.org

MEMORANDUM

TO: LOCAL UNIONS: 2, 5, 7, 20, 22, 25, 25, 41, 61, 63, 71, 79, 81, 89, 92, 100, 104, 118, 120, 135, 171, 175, 190, 200, 206, 215, 222, 236, 238, 245, 270, 279, 294, 299, 324, 325, 326, 340, 364, 371, 373, 375, 377, 385, 391, 397, 402, 406, 407, 413, 414, 431, 439, 449, 480, 486, 492, 509, 519, 523, 528, 542, 554, 568, 580, 597, 600, 612, 614, 627, 633, 639, 641, 651, 667, 671, 673, 696, 705, 707, 710, 722, 728, 745, 771, 776, 822, 823, 833, 878, 886, 891, 961, 988, 991, and 992

Gordon Sweeton, Central Region Freight Coordinator – (LU 823) Ernie Soehl, Eastern Region Freight Coordinator – (LU 701) Ken Bryant, Southern Region Freight Coordinator – (LU 745) Bob Paffenroth, Western Region Freight Coordinator

FROM: Tyson Johnson, International Vice President &

Director, National Freight Division

DATE: April 1, 2010

RE: YRC-MR-CO-04-03/2010 Decision

Please be advised the YRC Multi-Region Utility Employee Change of Operations MR-CO-04-03/2010, was heard at the Sheraton Grand Hotel on Wednesday, March 24, 2010, Dallas, TX. The following decision was rendered.

<u>THE MOTION</u>: Mr. Chairman, I move the company's proposed Change of Operation be approved as modified, clarified and stipulated to on the record by company with the following provisions:

Agreements reached by the company and the Unions on the record are incorporated by reference into this decision and are final and binding. It is also understood, as stated by the company employees transferring to gaining locations,

shall have work opportunities upon implementation of the Change of Operation. In addition, the company has guaranteed that no employees at the gaining locations will be laid off as a result of this Change of Operation. The number of bills per day projected by the company to be handled system wide was reduced by the Committee in executive session by 10%. Due to the reduction in the number of bills, the number of employees impacted by the change has been reduced by 10%, rounded to the highest number.

- 1. The company's proposed method of bidding which incorporates both follow the work and pool bidding is approved. The telephone bid will be conducted on April 12, 2010 at 10:00 am CST. The implementation date shall be April 18, 2010.
- 2. For purposes of bidding and/or selecting work opportunities, the seniority roster, at losing locations shall be merged with both active and inactive employees, by classifications using present bidding and layoff seniority dates.
- 3. At those locations where two (2) or more terminals are located within the jurisdiction of a single Local Union and the work of one (1) or more of those terminals is transferred, in whole or in part, to one or more of the other terminals, the original staffing of the terminals involved shall be offered to a merged and dovetailed seniority list, by classification, (excluding office clerical employees) that will include both active and inactive employees from each of the terminals affected. The original staffing of these terminals shall be offered to a merged and dovetailed seniority list that will include both active and inactive employees from each of the terminals affected. Employees who do not have enough seniority to successfully claim an original staffing position shall be placed on a master layoff seniority list and subsequent day-to-day and recall work opportunity is referred back to the Local Union and the Employer to determine the method by which such work opportunities will be made and the Committee admonishes both parties of their joint responsibility to resolve these matters.
- 4. At those locations that the Company defined on the record as a location where an employee must be CDL qualified, those employees who are not CDL qualified shall be given a ninety (90) consecutive day period to become driver qualified and an additional thirty (30) consecutive day period to receive their CDL license. The Company shall provide appropriate equipment and the manpower necessary to complete the training process at the employee's present terminal unless otherwise mutually agreed. Provided however, at those break-bulk terminals and large metro terminals where road drivers are domiciled (excluding end-of-the-line terminals), where it is recognized there will be a need for pure

dock bids this provision shall not act to prevent an employee from bidding such a pure dock position provided he/she has enough seniority to hold such bid and provided further, the Employer shall have the right to determine the number of such bids. In addition, employees who cannot become CDL qualified because of a DOT disqualifying medical condition or failure to pass a TSA background check will also be allowed to bid into a terminal where pure dock bids are available if he/she has enough seniority to hold such bid. Employees who fail to become CDL qualified as provided herein shall forfeit their bid.

- 5. Employees, who were domiciled at locations that are closed pursuant to this decision and who are not given a work opportunity, will have retreat rights for a five (5) year period to return to the location where they were just prior to transferring to the closed location.
- 6. Based on the fact the number of losing positions is greater than the number of gaining positions the provisions of Article 8, Section 6 (d)(1)b.4 of the NMFA shall have application and employees shall be allowed to hold for a specific location that was not available at the time of the bid. The hold shall have application for a period of one (1) year following the date of implementation of this decision.
- 7. There shall be a one (1) year widow period during which employees who were not able to claim a gaining position they were eligible to bid on because of their seniority ranking shall be afforded the opportunity to bid at the gaining location they were not able to bid at the time of the original bid ahead of new hires.
- 8. Those over-the-road domiciles that were previously designated as Article 29, Sections 1 and 3 locations by a decision rendered by the National Intermodal Committee shall not be otherwise affected by this decision.
- 9. Southern Modified Seniority shall be exercised in accordance with the Southern Region Over-the-Road Negotiating Committee's agreement of July 27, 1999 and shall become effective after the general bid that is provided for in this decision.
- 10. In the event there are employees involved, under this decision, who have common seniority date and there are not actual time/date punch records available to determine who punched in first, the parties are instructed to agree on a method to draw lots to resolve such issues.

- In the event there are employees who transfer into a facility who are on layoff, such laid off senior employees may not exercise their seniority unless and until the senior employee is recalled by Letter of Recall, or the equivalent method of recall under the terms of the applicable Supplemental Agreement for regular employment, at which time he shall be dovetailed on the active seniority list.
- 12. Employees bidding into an Eastern Region location that has a single line seniority list (Common Road and Local Cartage List) must remain in their current bidding classification for a period of one (1) year unless the next annual bid occurs at least nine (9) months following the date of implementation of this decision.
- Qualified bidders who are on long-term disability (LTD) at the time of the bid shall be allowed to bid. In the event they are not able to claim their bid on the date of implementation, the position they bid into shall be offered, on a holddown basis, to those classification employees at the affected location who did not successfully bid at the time of the original bid. The successful hold-down bidder shall be dovetailed on the applicable seniority list at the location he bid into until such time as the LTD employee is able to return to work and claim his bid. At that time, the hold-down employee will be afforded the opportunity to either return to his original location with full seniority or remain at the hold-down location and be given a new bidding and seniority date as of the date the holddown bid commenced, but shall retain his original bidding and seniority date for vacation purposes. Employees bidding a hold-down position shall not be entitled to any moving or lodging expenses as set forth in Article 8, Section 6 of the NMFA or as otherwise approved by this decision unless and until such time as it is determined that the LTD employee will never be released to return to work, at which time the hold-down employee shall be considered as a successful bidder at the time of the original bid and shall be entitled to all of the provisions set forth in this decision.
- 14. Employees who have been discharged and whose discharge is pending resolution under the applicable terms of the NMFA and the applicable Supplemental Agreement shall be afforded the opportunity to bid.
- 15. In order to bid a position that requires the driver to be triples certified the drivers must either be certified or triples certifiable and become certified as soon as possible.
- 16. Employees transferring from the jurisdiction of one Supplemental Agreement to that of another Supplemental Agreement shall not lose their

entitlement to earned vacation in accordance with the Southern Region Over-the-Road Letter of Understanding.

- 17. Health and welfare and pension contributions paid on behalf of employees who relocate under this decision shall continue to be paid into the respective trusts such contributions were being paid into immediately prior to the time the employee relocated.
- 18. Full-time Teamster officers, business agents and organizers who have seniority rights to return to employment with the Company, shall be allowed to bid and if successful must claim their bid at the time they cease to be a full-time officer, business agent or organizer or forfeit their bid.
- 19. Moving and lodging expenses shall be paid in accordance with the provisions of Article 8, Section 6(c) of the NMFA; provided however, the Company's proposal, on a voluntary individual basis, to provide \$3,150 in lieu of temporary hotel expenses and in lieu of relocation expenses a flat amount based on miles between present location and the new location; 51 500 miles, \$2,500, 501 1000 miles, \$3,500, and over 1000 miles, \$4,000, is approved.
- 20. The Committee recognized that the Company's proposed Change of Operation is unique in its scope and that, because of the current economic conditions facing our nation and the Company, the new operating model in the Company's proposal must be implemented expeditiously in order for the Company to remain competitive in the marketplace and have an opportunity to grow and to provide additional Teamster work opportunities. In accordance with its authority under Article 8, Section 6(g) of the NMFA, the Committee has determined that the seniority application in this decision is appropriate under the circumstances. This decision is based on the facts presented and does not create a precedent for future seniority applications.
- 21. Nothing contained herein is intended to be in violation of the terms of the National Master Freight Agreement or its respective Supplemental Agreements.
- 22. As stated on the record transferring employees will not be laid off on the show-up date/implementation date and the company will adhere to the change plan design.
- 23. As modified and clarified on the record, the Springfield, MO facility will remain open as a Distribution Center.

- 24. Local 222's request to permit two (2) people to transfer to Butte, MT is denied.
- 25. Final transfer numbers at gaining and losing domicile are approved as provided for in the attached exhibit.
- 26. The request of Local 175 to keep running to Charlotte, NC is denied.
- 27. Request of Local 326 that two of its members be permitted to follow their work is denied, they will be permitted to participate in the pool bid.
- 28. Local 509's request to add additional drivers to the pool bid is denied and the request of Dale Kibler to have retreat rights is denied.
- 29. The request of Local 671 for six (6) people to follow work to Harrisburg, PA is denied, because Harrisburg is not a gaining location.
- Local 7's request for 6 Local cartage employees to follow their work from Chicago, IL to Coldwater, MI is approved. (See Exhibit)
- 31. The request of Local 20 for one driver to follow work to Indianapolis is granted.
- 32. Anyone transferring into Local 41's terminal in Kansas City must be CDL qualified.
- 33. Local 413, it should be noted that any employee transferring to Columbus, Ohio will work under Columbus, Ohio seniority practice.
- 34. The request by Local 120 to remove St. Paul, MN from the change is denied. The Change Committee recognizes the Local 120 Letter of Agreement regarding Reimer Transportation as being in full force and effect. Nothing in that Agreement prohibits YRC from having a change of operation as long as the change does not violate the Letter of Agreement. The objection of Local 120 (Dubuque, IA) that one person should not be transferred when the calculation shows less than 1.0 of a person, but greater than .50 is denied.
- Local 179's request to maintain its two existing runs to Springfield, MO is granted.

- 36. Request of Local 377 to allow employees who are on vacation at time of implementation of these changes to report to their new domicile as soon as the vacation is over, is approved.
- 37. Local 651's request that one person follow work to Nashville, TN and one person follow work to St. Louis, MO is denied.
- Local 710's members will participate in the pool bid.
- 39. Local 722's request to allow two (2) drivers to participate in the pool bid is held in abeyance, because this issue is pending before a Subcommittee of the National Dispute Resolution Committee. The Subcommittee consists of Bob Jones from the company and Pat Flynn of Local 710.
- 40. All follow the work and pool bid requests by local unions will be addressed in the attached exhibit.
- 41. The request of Local 528 to deny the right of one (1) employee to transfer from Gadsden, AL to Chattanooga, TN. is approved.
- 42. The request of Local 657 to remove McAllen, TX from this change is approved. The company must resubmit the change, giving the Local a thirty (30) day notice.
- 43. Employees transferring to the Jackson, MS Local Cartage Operation must be CDL qualified.
- 44. The request of the company to allow follow the work bidding opportunities regarding the closings of Gaylord, MI; Cocoa, FL; Lakeland, FL and Salem, OR as indicated on the attached exhibit is approved. However, the company's request that the follow the work method of bidding for the closing of Gadsden, AL is denied.
- 45. As a result of merging the active and inactive employees for bidding, there will be no cut off date to determine eligibility to bid.
- 46. By virtue of this decision, the company is obligated to meet its service requirements by being current on inbound and outbound freight and remain current on a daily basis on pick-ups and deliveries.

47. Due to the leave of absence provision of the YRC Memorandum of Understanding, employees on leave of absence have a right to bid in this change.

- 48. This Change of Operation shall not be used to alter standards and work rules. Such standards and work rules shall remain in place until negotiated by the parties.
- 49. Any clerical unit involved in this change will be integrated in a manner consistent with the method used in the cut-over change of operations decision.

Please acknowledge receipt of this communication via facsimile to the National Freight Division at (202/624-8722).

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Decision Support Exhibit - LOCAL CARTAGE MR-CO-04-03/2010

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Decision Support Exhibit - Follow-the-Work LOCAL CARTAGE MR-CO-04-03/2010

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Decision Support Exhibit - Follow-the-Work ROAD MR-CO-04-03/2010

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Cocoa	FL NC	385	South	-1	Orlando, FL	1 I
Winston Salem	NC	391	Eastern	-2	Pool	4
Winston Salem	D.4	207	Eastern	2 22	Akron, OH	
Erie Erio	PA	397	Eastern	-2011	Akron, OH	160
Erie	h.A.I	400	N Cartest		Pool	1.30
Gaylord	MI:	406	Central	2	Pool	- 20
Cleveland	OH		Central	2 -2	Akron, OH	002
Fort Wayne	(NV)	414	Central	<√° -2	<akron, oh<="" td=""><td><> 2</td></akron,>	<> 2
		2000	21 CON 10 CON 10 CO	_		2004
Buffalo Buffalo	NY	449	Eastern	-5	Akron, OH Columubs, OH	1

Decision Support Exhibit - Follow-the-Work ROAD MR-CO-04-03/2010

Location		Local Union #	Region	Road Impact	TO Location	Number 🔬
Columbia	SC	20 509	Eastern	,3°	Pool	1 200
Knoxville	TN	√S 519 ∴S	South	: S-3	Pool	3000
Tulsa	OK	523	South	JOP -1	Pool	,O7
<> ∨ Valdosta	GA	528	South	<u> -10</u>	Memphis, TN	£5° 2
Valdosta				*	Jackson, MS	2
Valdosta		À		<u></u>	Pool	6
La Grange	GA	528	South	-2 ,8	Pool S	2 <
Macon	GΑ	528	South	:100	Pool	100
Albany	ĢΑ	528	South	•2	Pool	2.00
Chattanooga	TN	528	South	-B	Memphis, TN	2
Chattanooga	. 120			. 130	Pool	. 6
Sioux City	NΙΑ	554	Central	· -1	Pool	12.
Shreveport	LA	568	South	-1	Memphis, TN	1
Bellows Falls	VT	√5 9 7	Eastern	-2 🚕		2 .
Montgomery		♦ 612	South	-1 25	Pool &	1 3
Birmingham	AL	612	South	÷5	Memphis, TN	1 200
Birmingham	^_	.00	So Coden	. 20	Pool	400
Gadsden	AE	612	South	.2	Pool	.○2
Peoria		627	Central	75° 1	Pool	20° 1
Manassas	VA	639	Eastern	-2	Akron, OH	2
Washington, DC		639	Eastern	-4	Akron, OH	2
Washington, DC	MD	7000	Castelli	- AS	Pool Pool	2
Pinebrook	NJ	641	Eastern	-250	Columubs, OH	2 0
40		107	10	.42	4.4	4 80
Lexington Lexington	KY.	31196 651	S Central	A CITIZ	Indianapolis Pool	1000
Columbus	MS	667	South		Pool	
Middletown	CT	671	Eastern	-6	Pool	6
Chicago West	IL	673	Central	-6	Memphis, TN	2
Chicago West		35	35	35	Cincinnati, OH	1
Chicago West		á	of Co.	N. C.	Pool	3 న
Topeka	KS	696	Central	10	Pool	1 200
Maybrook		√D ²⁰ 707 ∴S	Eastern	:511	Akron, OH	8080
(Single line board net		A 1 4	Lacioni	A.1 Y	aybrook local cartage	. 32
Maybrook		(17)		1 C C C C C C C C C C C C C C C C C C C	Columubs, OH	x 4 ²² 3
Chicago	IL	710	Central	-5	Pool	5
(includes 303 at -8 ar			German	U	1 001	J
Dallas	TX	745	South	-35	Memphis, TN	14
Dallas	1/	201-1-10	000a.	Odi	Jackson, MS	6 8
Dallas		300	300	300	Pool	153
Springdale	AR	823	Central	- CO-1	Memphis, TN	~D
Columbia	MO	833	Central	-2	Columubs, OH	2
Little Rock		878	South	-2	Pool	× 2
	OK	886		-9	Pool	9
Oklahoma City			South			
Meridian	MS	891	South			3
Denver	CO	961	Western	-2	Pool	2 8
Houston	TX	988	South	-26	Memphis, TN	1430
Houston	V	All Co	7	A COLOR	Jackson, MS	1300
Houston	(0)	nna Coy	0	, o'	Pool	
Dothan	AL	991	South	<u> </u>	Pool	KY 1
Mobile	AL	991	South	-2	Pool	2
Hagerstown	MD	992	Eastern	-4	Coldwater, MI	2 ,
Hagerstown		V.O.	X 0x	100	Indianapolis	2 4