

How to Enforce Your 9.5 Rights

TDU has produced an enforcement guide to help drivers enforce their 9.5 rights against unwanted excessive overtime.

TDU's 9.5 Rights Enforcement Guide is designed to help drivers who do not want excessive overtime to stop the company from working you more than 9.5 hours a day more than twice a week—and to make UPS pay for violations.

This guide takes you through the 9.5 procedures and explains how to enforce your rights.

Who is Eligible?

Package Car Drivers who are assigned to a route are eligible to get on the 9.5 list and file grievances. To qualify for the 9.5 Opt-In list, you have to work more than 9.5 hours in a day, excluding breaks, three times in a work week.

Cover drivers have different eligibility rules. Cover drivers are eligible to exercise their 9.5 rights if:

1. the driver covers a route for a full week
2. the driver bids or is assigned to cover a route for a full week but is prevented from completing that bid or assignment due to reassignment by UPS
3. the driver has four (4) years of seniority as a full-time package driver.

Qualifying for the 9.5 List

Exercising your 9.5 rights is a two-step process. First you have to get on the 9.5 Opt-In list. Then you have to file a grievance every time you work more than 9.5 hours a day three times in a week.

To win grievances, it is critical to follow and document these steps. That's what the 9.5 Rights Documentation Form is for.

Step one is to document a work week in which you worked three days over 9.5 hours. The 9.5 Rights

Documentation Form includes a table where you can document the simple but critical details: dates worked, start time, unpaid breaks, end time, and total hours worked.

Requesting to Get on the 9.5 List

Once you have documented a work week in which you worked over 9.5 on three days, you have to tell your Center Manager that you want to be on the 9.5 list.

Fill out a 9.5 Opt-In Request Form with the signature of the member and the steward to hand in to the Center Manager.

Meeting with Management

Take your shop steward and meet with the Center Manager. At the meeting, turn in the Opt-In Request Form and ask for the Center Manager's signature.

Your Center Manager should add you to the 9.5 Opt-In list for a five-month period, excluding November and December. This means if you get added to the Opt-In list in October, you will stay on the list for October through May—five months, excluding peak.

If you worked more than 9.5 hours on three days in one work week, you automatically qualify for the 9.5 list. (**Remember:** cover drivers are covered under different rules.)

The Center Manager may try to get you not to go on the list. But it is your right.

The 9.5 rules do not permit management to use "over-allowed" or any production number to block you from getting on the 9.5 list. If you worked over 9.5 hours on three days in a work week, then you qualify for the list. Period.



Use the Enforcement Form to document what happens in your meeting with your Center Manager.

If the Center Manager denies your right to get on the 9.5 Opt-In list, the steward should document that fact and their reasons why on the 9.5 Rights Documentation Form.

Then the steward should file a grievance saying that the company violated Article 37 by failing to add you to the 9.5 Opt-In list after you had worked more than 9.5 hours on three days in one work week.

If the Center Manager makes any threats that you will be over-supervised, given extra OJS rides, or be targeted with telematics, document that too. Use the extra space on the back of the form as needed.

The more documentation you have—and the more drivers in your center that are getting on the 9.5 Opt In list—the more protection you will have.

Filing 9.5 Grievances

Once you are on the 9.5 list, you should use the 9.5 Violation Form to document every time you work more than 9.5 hours three times in a work week. Again, you will need the simple but critical details: dates worked, start time, end time, unpaid breaks and total hours worked.

Armed with your evidence, go with your steward to speak with the Center Manager to request that the company comply with Article 37 of the contract, which calls for the company to adjust the driver's work schedule and pay triple time pay for hours

worked over 9.5 hours in a day.

If the company agrees to resolve the problem, note the settlement on the 9.5 Rights Documentation Form.

Depending on the situation, an appropriate settlement calls for adjusting your load, triple time pay for hours worked over 9.5 hours in a day, or agreement to pay the triple time penalty on the next violation.

If the company doesn't resolve the problem, file a grievance. Make sure to grieve for penalty pay and to grieve the company's failure to adjust your load.

You should file a new grievance every week the company works you over 9.5 as long as you are on the 9.5 list.

We're Stronger Together

Teamster members can enforce our rights—but we've got to document it each step of the way.

Use the new 9.5 materials to enforce your rights. Talk with other drivers in your center. Chances are you're not the only driver who wants your 9.5 rights respected. We're stronger when we work together.

The ABCs of Enforcing Your 9.5 Rights

Step 1. Document Your Excessive Overtime. Use the 9.5 Rights Documentation Form to document any work week in which you work over 9.5 hours on three days.

Step 2. Tell your Center Manager you want to be on the 9.5 List. Fill out and turn in a 9.5 Opt-In List Request Form. Make sure to bring your steward with you.

Step 3: Report a 9.5 Violation. Once you are on the 9.5 list, keep track of any work week in which you work more than 9.5 hours three times. Take your steward and report the 9.5 violation to the manager. Depending on the situation, an appropriate next step would be adjusting your load, triple time pay for hours worked over 9.5 hours in a day, or agreement to pay the triple time penalty on the next violation.

Step 4 (if necessary): If your center manager doesn't resolve the problem, file a grievance. The grievance should state that management violated Article 37 by working a driver on the 9.5 Opt-In list more than 9.5 hours, three times in one work week. The remedy should state: Pay triple time for all hours worked over 9.5 during the week. Adjust drivers' load. Cease and desist from working driver over 9.5. Make whole in every way..