



General Drivers, Warehousemen & Helpers Local Union No. 89

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James P. Hoffa, General President
Denis Taylor, IBT Package Division Director
25 Louisiana Avenue, NW
Washington, DC 20001

Dear General President Hoffa and Package Division Director Taylor:

On Monday, September 25, the National Negotiating Committee (NNC) met to review contract proposals submitted by local unions for the UPS contract. At the meeting, Brother Taylor called for additional ideas so the NNC can prepare comprehensive proposals to address harassment. I am writing to answer that call.

Harassment takes many forms and is deeply rooted in UPS's culture and operations. It is not the result of rogue managers. Harassment, excessive overtime, bullying, retaliation and contempt for the grievance procedure are rooted in a determination at the highest levels of the corporation to cut costs and inflate profits through speedup, over-dispatch, excessive workloads and production harassment.

The problem of harassment at UPS is systematic and comprehensive. Real solutions require that our union be systematic, comprehensive and determined. This letter outlines contract proposals which, *if implemented as a whole*, would provide meaningful solutions to harassment. These proposals:

- Address harassment in different forms, including discipline, excessive workloads, over-dispatch, and excessive overtime;
- Set out a nonexclusive list of banned behaviors that constitute harassment;
- Establish minimum and escalating financial penalties for harassment violations;
- Give local unions and Teamster members meaningful enforcement mechanisms to stop harassment when the grievance procedure has failed to adjust management's behavior, including the right to strike.



Discipline

One element of harassment is trumped up and retaliatory discipline. This is a common UPS technique and it needs to be addressed in the contract.

To stop UPS from terminating employees on trumped up charges of dishonesty, the contract should be modified as follows:

- Eliminate the loophole in Article 6, Section 4 that allows UPS to terminate an employee who “engages in dishonesty.”

To prohibit management from harassing and unfairly disciplining members with petty methods violations, the following language should be added to Article 7:

- Discipline for methods violations must be based on repeated violations of the same method. Infractions of different methods shall not be combined under a general category of “violating the methods.”

Excessive Overtime, 9.5 & 8-Hour Request Loads

The 9.5 language is broken. Article 37 must be rewritten to fix the problem.

Key changes that are needed to the 9.5 provisions include:

- All package drivers and full-time inside employees shall be eligible to be on the 9.5 list
- All drivers and full-time inside employees shall be placed on the 9.5 list with an opt-out option for employees who want more overtime.
- All hours worked over 9.5 shall automatically appear in the next paycheck at the double time rate of pay. Penalty pay shall be paid automatically, like overtime, with no grievance required for payment.
- All hours worked after ten hours on any day shall be paid at three (3) times the regular hourly rate of pay.
- All package driver work after 9.5 hours in a day shall be strictly voluntary. After 9.5 hours in a day, a driver can return to the building without completing any additional assignments.

The 8-hour request language should be changed as follows:

- Drivers shall be permitted four 8-hour requests per month
- The company shall honor a minimum of two 8-hour requests for each driver per month
- Drivers who have an 8-hour day can return to the building after 8 hours without completing any additional assignments

Defining Harassment

Article 37 states that, “The Employer shall not in any way intimidate, harass, coerce or overly supervise any employee in the performance of his or her duties”

Additional language should be added to provide a detailed, non-exclusive, list of examples of prohibited behavior, including but not limited to,

- Micromanagement

- Violating an employee's personal space
- Name-calling
- Verbal abuse that is demeaning, abusive, insulting, threatening, or otherwise inappropriate
- DIAD, IVIS or text messages that are demeaning, abusive, insulting, threatening, or otherwise inappropriate
- Degrading treatment
- Verbal threats
- Physical threats
- Unwanted physical contact
- Interfering with protected concerted activity including filing grievances, exercising contract rights, distributing union literature, reporting injuries etc.

As part of preparations for negotiations, the IBT should gather testimonies from UPS Teamsters of harassment they have experienced and schedule testimony to the company by rank-and-file Teamsters.

Establish Minimum and Escalating Penalties for Harassment

A grave defect in the harassment language is there is no penalty for management violations of Article 37. Harassment grievances are routinely settled with remedies that, "The Company will comply with Article 37." This has made a joke of members' contractual rights.

Article 37 must be modified to:

- Establish minimum financial penalties (i.e. four hour pay) for any and all harassment violations
- Impose escalating financial penalties for subsequent violations by the same manager or supervisor

In addition, Article 7 should be modified to establish minimum financial penalties for all contract violations for which there is not already a defined penalty.

Meaningful Enforcement Provisions, Including the Right to Strike

Most important of all, the contract needs to establish meaningful enforcement provisions that give members and local unions the power to take on harassment without being stonewalled by management in the grievance procedure.

Some local unions have proposed establishing a designated Harassment Committee, similar to the 9.5 Committee, to expedite the hearing of harassment grievances at the panels. This is not objectionable, in principle, but it is completely insufficient by itself. The existence of a dedicated 9.5 Committee at the panel has not stopped the company's systematic abuse of 9.5. We cannot rely on the company's "good faith" in the grievance procedure to address the epidemic problem of harassment at UPS.

Members demand and deserve much stronger enforcement provisions. The right to strike is what gives our union "the hammer" to enforce the contract when the company is systematically violating members' rights and holding the grievance procedure in contempt. That is exactly what is happening at UPS when it comes to harassment.

Taken together, two proposals would get at the root of the problem and enable our union to turn the tide on harassment at UPS.

- First, modify Article 8, Section 2 to establish the right of local unions to strike if the company fails to comply with any final grievance decision or settlement.

This change would enable local unions to issue a 72-hour strike notice when management has settled grievances to “comply with Article 37” but has failed to do so.

- Second, the following language should be added to Article 37:

If by majority vote, Teamster employees determine that there is a hostile working environment characterized by widespread harassment in their center, building, hub or local-wide, then the principal officer of the affected Local Union and/or his/her designee and the Company Regional Labor Relations Manager or his/her designee shall meet within seventy-two (72) hours to attempt to resolve the dispute. Failing to agree, the Union at its discretion shall be permitted all legal and economic recourse, including the right to strike, in support of enforcement of its demands notwithstanding anything to the contrary contained in this agreement.

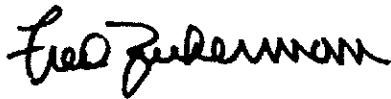
If UPS management is sincere about addressing harassment, then adopting this language should be of no concern to them because it will not have to be exercised. But if management continues on its current course, then our members deserve the right to democratically determine if a hostile working environment of harassment exists in their workplace and to have the power to compel management to meet to meaningfully address that problem or face economic action by united Teamster members.

Comprehensive Bargaining Proposals

Together these proposals address harassment by strengthening contract protections, setting penalties for violations, and most importantly, establishes mechanisms that will allow our union to enforce the contract if the company is stonewalling or holding the grievance procedure in contempt.

As the National Negotiating Committee prepares a comprehensive bargaining proposals for review by local officers at the Two-Person Meeting on October 17, I urge you to include these proposals for adoption.

Fraternally,



Fred Zuckerman
President

cc: UPS National Negotiating Committee (NNC)