

Memo

To: All UPS Local Unions

From: Denis J. Taylor, Package Division Director

Date: December 1, 2017

Re: 70-Hour Rule Package Driver

We have been notified by UPS this morning that the Company intends to implement an 8-day/70-hour workweek for the purposes of package drivers' hours of service under DOT regulations. If you have been notified that your buildings are part of this implementation, please contact your Regional Chairs.

As you know, the terms of the standard work week are defined in the Area Supplements, not the National Master language. Accordingly, you should immediately review the provisions of your supplements and riders. If there are contractual restrictions on the number of days or hours that a package car driver can work in a week, you are instructed to file a grievance. If the supplement or rider requires the Company to provide a number of days' notice before implementing any change in the start time and the Company has not complied, then grievances should be filed. The DOT regulations below do not override any restrictive language in the contract.

DOT Regulations and Interpretations are below.

DJT:ln

§395.3–DOT Interpretations

Question 1: May a motor carrier switch from a 60-hour/7-day limit to a 70-hour/8-day limit or vice versa?

Guidance: Yes. The only restriction regarding the use of the 70-hour/8-day rule is that the motor carrier must have Commercial Motor Vehicle CMVs operating every day of the week. The 70-hour/8-day rule is a permissive provision in that a motor carrier with vehicles operating every day of the week is not required to use the 70-hour/8-day rules for calculating its drivers' hours of service. The motor carrier may, however, assign some or all of its drivers to operate under the 70-hour/8-day rule if it so chooses. The assignment of individual drivers to the 60-hour/7-day or the 70-hour/8-day time rule is left to the discretion of the motor carrier.

Question 2: Does a driver, employed full time by one motor carrier using the 60-hours in 7-days rule, and part-time by another motor carrier using the 70-hours in 8-days rule, have the option of using either rule in computing his hours of service?

Guidance: No. The motor carrier that employs the driver on a full-time basis determines which rule it will use to comply with §395.3(b). The driver does not have the option to select the rule he/she wishes to use.

Question 3: May a carrier which provides occasional, but not regular service on every day of the week, have the option of the 60 hours in 7 days or 70 hours in 8 days with respect to all drivers, during the period in which it operates one or more vehicles on each day of the week?

Guidance: Yes.

Question 6: If a motor carrier operates under the 70-hour/8-day rule, does any aspect of the 60-hour rule apply to its operations? If a motor carrier operates under the 60-hour/7-day rule, does any part of the 70-hour rule apply to its operations?

Guidance: If a motor carrier operates 7 days per week and chooses to require all of its drivers to comply with the 70-hour/8-day rule, the 60-hour/7-day rule would not be applicable to these drivers. If this carrier chooses to assign some or all of its drivers to the 60-hour/7-day rule, the 70-hour rule would not be applicable to these drivers. Conversely, if a motor carrier does not operate 7 days per week, it must operate under the 60-hour/7-day rule and the 70-hour rule would not apply to its operations.