



MEMORANDUM

TO: **LOCAL UNIONS:** 24, 63, 135, 179, 364, 439, 673, 705, 707, and 710

Michael Hinton, Central Region Freight Coordinator (LU 407)
John Murphy, Eastern Region Freight Coordinator (LU 25)
Lendon Grisham, Southern Region Freight Coordinator (LU 480)
Bob Paffenroth, Western Region Freight Coordinator (LU 63)

FROM: Ernie Soehl, Director, National Freight Division

DATE: June 9, 2020

RE: **YRC Freight – MR-CO-02-03/2020**

The following decision was rendered regarding the YRC Freight Change of Operations MR-CO-02-03/2020, which was heard on March 12, 2020 in Deerfield Beach, FL (see attached).

Thank you.

ES:ae
Attachment

**YRC FREIGHT
BOLINGBROOK, IL (318) CONTAINERIZATION
CHANGE OF OPERATIONS**

MR-CO-02-03/2020

MARCH 12, 2020

THE COMPANY'S PROPOSED CHANGE OF OPERATIONS IS APPROVED AS MODIFIED, CLARIFIED, AND STIPULATED TO ON THE RECORD BY THE COMPANY WITH THE FOLLOWING PROVISIONS. IT SHOULD BE NOTED THAT UNLESS SPECIFICALLY ADDRESSED IN THIS CHANGE OF OPERATIONS THROUGH THIS COMMITTEE, PRESENT OPERATIONS, WORK RULES AND AGREEMENTS SHALL REMAIN IN EFFECT. AGREEMENTS REACHED BY THE COMPANY AND THE UNIONS AT THE LOCAL LEVEL AND OR ON THE RECORD ARE INCORPORATED BY REFERENCE IN THIS DECISION AND ARE FINAL AND BINDING. IT IS ALSO UNDERSTOOD, AS STATED ON THE RECORD, THAT EMPLOYEES TRANSFERRING TO GAINING LOCATIONS, AS WELL AS ACTIVE EMPLOYEES AT THOSE LOCATIONS, SHALL HAVE SUFFICIENT WORK OPPORTUNITIES UPON IMPLEMENTATION OF THIS CHANGE OF OPERATIONS.

1. IN ACCORDANCE WITH THE AUTHORITY UNDER ARTICLE 8, SECTION 6 OF THE NATIONAL MASTER FREIGHT AGREEMENT, 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.

2. THE COMPANY'S PROPOSED METHOD OF BIDDING, INVOLVING FOLLOW THE WORK, IS APPROVED AS CLARIFIED ON THE RECORD. THE COMPANY'S PROPOSED TIMELINE ALSO IS APPROVED AS FOLLOWS:

- THE CUT OFF DATE FOR DETERMINING EMPLOYEE ELIGIBILITY TO BID IS 2/10/20.

- THE POSTING FOR FOLLOW THE WORK OPPORTUNITIES IN CONNECTION WITH THIS CHANGE OF OPERATIONS AND THE UTILITY EMPLOYEE POSITIONS IN MR-UE-02-03/2020 WILL BE ON 3/16/20. EMPLOYEES BIDDING INTO A UE POSITION WILL REMAIN IN THAT POSITION FOR A PERIOD OF NO MORE THAN SIX MONTHS.
- FOLLOW THE WORK BIDS WILL BE AWARDED ON 3/23/20.
- IMPLEMENTATION SHALL BE NO SOONER THAN 4/12/20.

3. FOR THE PURPOSE OF BIDDING AND SELECTING FOLLOW THE WORK OPPORTUNITIES, LOCATIONS WITH SINGLE LINE SENIORITY LISTS WILL BID POSITIONS IN SENIORITY ORDER AS THEY HAVE IN THE PAST.

4. IN THE EVENT EMPLOYEES INVOLVED UNDER THIS DECISION HAVE A COMMON SENIORITY DATE AND THERE ARE NOT ACTUAL DATE AND TIME PUNCH RECORDS AVAILABLE TO DETERMINE WHO PUNCHED IN FIRST, THE PARTIES ARE INSTRUCTED TO AGREE ON A METHOD TO RESOLVE THE ISSUE.

5. IN THE EVENT THERE ARE EMPLOYEES WHO TRANSFER INTO A FACILITY WHERE OTHER EMPLOYEES ARE ON LAYOFF, SUCH LAID OFF SENIOR EMPLOYEES MAY NOT EXERCISE THEIR SENIORITY UNLESS OR UNTIL THE SENIOR EMPLOYEE IS RECALLED BY LETTER OR EQUIVALENT METHOD OF RECALL UNDER THE TERMS OF THE APPLICABLE SUPPLEMENTAL AGREEMENT FOR REGULAR EMPLOYMENT, AT WHICH TIME HE SHALL BE DOVE-TAILED INTO THE ACTIVE SENIORITY LIST.

6. QUALIFIED BIDDERS WHO ARE ON LONG-TERM DISABILITY 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 HOLD DOWN BASIS, TO THOSE CLASSIFICATION EMPLOYEES AT THE AFFECTED LOCATION WHO WERE NOT SUCCESSFUL BIDDERS AT THE TIME OF THE ORIGINAL BID.

THE SUCCESSFUL HOLD DOWN BIDDER SHALL BE DOVE-TAILED ON THE APPROPRIATE SENIORITY LIST AT THE LOCATION BID INTO UNTIL SUCH TIME AS THE LTD EMPLOYEE IS ABLE TO RETURN TO WORK AND CLAIM THE 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 SENIORITY DATE AS OF THE DATE THE HOLD DOWN 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 NATIONAL MASTER FREIGHT AGREEMENT OR AS OTHERWISE APPROVED BY THIS DECISION UNLESS OR UNTIL SUCH TIME AS IT IS DETERMINED THAT THE LTD EMPLOYEE WILL NEVER BE ABLE TO RETURN TO WORK. AT WHICH TIME THE HOLD DOWN EMPLOYEE SHALL BE CONSIDERED AS A SUCCESSFUL BIDDER AND AT THAT TIME THE ORIGINAL BIDDER SHALL BE ENTITLED TO ALL THE PROVISIONS SET FORTH IN THIS DECISION.

7. EMPLOYEES WHO HAVE BEEN DISCHARGED AND WHOSE DISCHARGE IS PENDING RESOLUTION UNDER THE APPLICABLE TERMS OF THE NATIONAL MASTER FREIGHT AGREEMENT AND THE APPLICABLE SUPPLEMENTAL AGREEMENT SHALL BE AFFORDED THE OPPORTUNITY TO BID.

8. THOSE EMPLOYEES WHO CURRENTLY ENJOY ARTICLE 29, SECTION 3 PROTECTION SHALL RETAIN THEIR PROTECTION IN ACCORDANCE WITH THE CHANGE OF OPERATIONS AND THE CONTRACT.

9. EMPLOYEES TRANSFERRING FROM THE JURISDICTION OF ONE SUPPLEMENTAL AGREEMENT TO THAT OF ANOTHER SUPPLEMENTAL AGREEMENT SHALL NOT LOSE THEIR ENTITLEMENT TO EARN VACATION IN ACCORDANCE WITH THE SOUTHERN REGION OVER-THE-ROAD LETTER OF UNDERSTANDING, WHICH HAS BEEN

INCORPORATED IN PREVIOUS CHANGE OF OPERATIONS. IN ADDITION, PREVIOUSLY BID OR APPROVED VACATION SHALL BE HONORED IN CONNECTION WITH THIS CHANGE OF OPERATIONS.

10. HEALTH WELFARE AND PENSION CONTRIBUTIONS PAID ON BEHALF OF THE EMPLOYEES WHO RELOCATE UNDER THIS DECISION SHALL CONTINUE TO BE PAID INTO THE RESPECTIVE TRUST SUCH CONTRIBUTIONS WERE BEING PAID TO IMMEDIATELY PRIOR TO THE TIME OF THE EMPLOYEES' RELOCATION.

11. 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.

12. MOVING AND LODGING EXPENSES SHALL BE PAID IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 8, SECTION 6(C) OF THE NATIONAL MASTER FREIGHT AGREEMENT.

13. SUCCESSFUL BIDDERS SHALL BE DOVE-TAILED INTO THE APPROPRIATE SENIORITY LIST AT THE LOCATIONS THEY ARE BIDDING INTO.

14. IN THE EVENT THE NUMBER OF GAINING POSITIONS DO NOT FILL DURING THE BID, THE COMPANY SHALL FILL THOSE POSITIONS AS STATED BY THE COMPANY ON THE RECORD.

15. THE COMPANY SHALL INDICATE ON THE BID SHEET IF A CDL IS REQUIRED FOR A SPECIFIC LOCATION AND POSITION. IN ORDER TO BID ON A POSITION THAT REQUIRES A CDL, AN EMPLOYEE MUST BE CDL QUALIFIED AT THE TIME OF BID.

16. THE COMMITTEE RECOGNIZES THAT CHICAGO AREA LOCAL UNIONS HAVE TAKEN VARIOUS COMPETING POSITIONS CONCERNING HOW BIDDING SENIORITY SHOULD APPLY FOR EMPLOYEES TRANSFERRING INTO AND OUT OF THE BOLINGBROOK

OPERATION. THOSE POSITIONS HAVE BEEN CAREFULLY CONSIDERED, ALONG WITH THE FACT THAT THE APPLICABLE LOCATIONS NOW ARE COVERED UNDER THE YRCW COMPANY NMFA.

GIVEN THIS UNIQUE SITUATION, THE COMMITTEE HAS DETERMINED THAT BOTH EMPLOYEES TRANSFERRING INTO THE BOLINGBROOK OPERATION IN CONNECTION WITH THIS CHANGE OF OPERATIONS AND EMPLOYEES CURRENTLY DOMICILED IN BOLINGBROOK SHALL USE THEIR COMPANY SENIORITY FOR PURPOSES OF BIDDING ON POSITIONS AT THE BOLINGBROOK LOCATION. SUCCESSFUL BIDDERS SHALL DOVETAIL WITH THE EXISTING BOLINGBROOK EMPLOYEES USING THEIR COMPANY SENIORITY.

FOR EMPLOYEES TRANSFERRING OUT OF BOLINGBROOK IN CONNECTION WITH THIS CHANGE OF OPERATIONS, HOWEVER, THE TRADITIONAL "TERMINAL" SENIORITY OF BOLINGBROOK (NAMELY 2007 OR LATER AS APPLICABLE) SHALL APPLY CONSISTENT WITH THE 2015 BOLINGBROOK MULTI-REGION REALIGNMENT CHANGE OF OPERATIONS (MR-CO-7-9-15) UNLESS A DIFFERENT SENIORITY PRACTICE IS OBSERVED AT THE OTHER TERMINAL OR IF ALL OF THE AFFECTED LOCAL UNIONS AGREE UPON A DIFFERENT SYSTEM. PENSION AND HEALTH AND WELFARE CONTRIBUTIONS PAID ON BEHALF OF A REDOMICILED EMPLOYEE SHALL, HOWEVER, BE PAID TO THE FUNDS TO WHICH THE CONTRIBUTIONS WERE MADE PRIOR TO THE EMPLOYEE'S CHANGE OF DOMICILE IN ACCORDANCE WITH THIS CHANGE OF OPERATIONS DECISION.

17. THE COMMITTEE RETAINS JURISDICTION OF THIS CHANGE FOR A PERIOD OF ONE (1) YEAR TO RESOLVE ANY ISSUES RELATIVE TO THIS CHANGE OF OPERATIONS.

THIS DECISION IS RENDERED UNDER THE AUTHORITY OF ARTICLE 8, SECTION 6 OF THE NATIONAL MASTER FREIGHT AGREEMENT AND IS NOT INTENDED TO BE IN VIOLATION OF OR MODIFY THAT AGREEMENT OR THE APPLICABLE SUPPLEMENTS.

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