



MEMORANDUM

TO: **LOCAL UNIONS:** 657, 667, 745, 823, and 878

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-UE-01-03/2020**

The following decision was rendered regarding the YRC Freight Change of Operations MR-UE-01-03/2020, which was heard on March 12, 2020 in Deerfield Beach, FL (see attached).

Thank you.

ES:ae
Attachment

**YRC FREIGHT
LITTLE ROCK, AR 2020 UTILITY EMPLOYEE
CHANGE OF OPERATIONS**

MR-UE-01-03/2020

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 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 IS APPROVED AS CLARIFIED ON THE RECORD. THE COMPANY FIRST WILL ALLOW FOR BIDDING ON THE UTILITY EMPLOYEE POSITIONS CREATED IN THIS CHANGE OF OPERATIONS, CONDUCTED SIMULTANEOUSLY WITH BIDDING ON FOLLOW THE WORK

OPPORTUNITIES IN MR-CO-01-03/2020. THE COMPANY THEN WILL CONDUCT A POOL BID THAT INCLUDES REMAINING OPEN UTILITY POSITIONS IN THIS CHANGE OF OPERATIONS AND REMAINING POSITIONS FROM MR-CO-01-03/2020. THE COMPANY'S PROPOSED TIMELINE IS APPROVED AS FOLLOWS:

- THE CUT OFF DATE FOR DETERMINING EMPLOYEE ELIGIBILITY TO BID IS 2/10/20.
- THE POSTING FOR FOLLOW THE UTILITY EMPLOYEE POSITIONS IN THIS CHANGE OF OPERATIONS AND THE FOLLOW THE WORK OPPORTUNITIES IN MR-CO-01-03/2020 WILL BE ON 3/16/20. ROAD DRIVERS FOLLOWING THEIR WORK INTO A UE POSITION WILL REMAIN IN THAT POSITION FOR A PERIOD OF SIX MONTHS UNDER PRESENT ECONOMIC CONDITIONS.
- UTILITY EMPLOYEE POSITIONS AND FOLLOW THE WORK BIDS WILL BE AWARDED ON 3/23/20.
- POSTING OF THE POOL BID OPPORTUNITIES WILL BE ON 3/23/20 AND THE BIDS WILL BE REMOVED ON 3/30/20.
- TELEPHONE BIDS CALL WILL BE ON 4/5/20.
- IMPLEMENTATION SHALL BE NO SOONER THAN 4/12/20.

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

4. IN CONNECTION WITH THE POOL BID, REMAINING UTILITY EMPLOYEE POSITIONS CREATED IN THIS CHANGE OF OPERATIONS AND REMAINING FOLLOW THE WORK OPPORTUNITIES IN MR-CO-01-03/2020 SHALL BE OFFERED SIMULTANEOUSLY.

FOR THE PURPOSE OF BIDDING AND SELECTING WORK OPPORTUNITIES, THE SENIORITY ROSTERS AT LOSING LOCATIONS SHALL BE MERGED ACTIVE TO ACTIVE AND INACTIVE TO INACTIVE BY CLASSIFICATIONS USING PRESENT BIDDING AND LAYOFF SENIORITY DATES. ACTIVES SHALL BID FIRST, WITH INACTIVES BIDDING THEREAFTER. LOCATIONS WITH SINGLE LINE SENIORITY LISTS WILL BID POSITIONS IN SENIORITY ORDER AS THEY HAVE IN THE PAST.

5. FOR LOCATIONS WITH SEPARATE LINE SENIORITY LISTS, POSITIONS NOT FILLED IN CONNECTION WITH THE POOL BID SHALL BE REPOSTED AT THE APPLICABLE TERMINAL AND OFFERED TO QUALIFIED EMPLOYEES IN SENIORITY ORDER.

6. SOUTHERN MODIFIED SENIORITY SHALL BE EXERCISED IN ACCORDANCE WITH THE SOUTHERN OVER THE ROAD NEGOTIATING COMMITTEE'S AGREEMENT AND SHALL BECOME EFFECTIVE AFTER THE GENERAL BID PROVIDED FOR IN THIS DECISION.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

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

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

16. 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.

17. EMPLOYEES BIDDING ON UTILITY EMPLOYEE POSITIONS MUST BE CDL QUALIFIED AT THE TIME OF BIDDING.

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

19. 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 3, SECTION 7
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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