



General Drivers, Warehousemen & Helpers Local Union No. 89

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Monday, September 28, 2015

Mr. James P Hoffa
General President
International Brotherhood of Teamsters
25 Louisiana N.W.
Washington D.C. 20001

RE: 2015 Negotiations - National Master Automobile Transporters Agreement (along with Supplements); Local 89 Carhaul Division Meeting

Dear Sir & Brother:

I write to you today renewing my September 24, 2015 demand for the immediate suspension of all IBT member voting pertaining to the tentative National Master Automobile Transporters Agreement (and Supplements). I am in receipt of the September 25, 2015 responsive statement, which you delegated to one of the IBT Carhaul Co-Directors. Despite the generalized response which tacitly acknowledges the flawed nature of the September 22, 2015 *Summary of Generalized Monetary Proposals* and provides a directive to refer to the revised online Summary, neither the September 22 Summary nor the online Summary effectively addresses the concerns I raised in my September 24, 2015 letter to you. Furthermore, the revised online Summary still remains incomplete and fraught with errors. As such, serious questions remain as to what was actually negotiated between the IBT negotiating committee and the joint-employer negotiating committee, because on its face the tentative agreement looks like a concessionary agreement. However, the IBT is saying that the agreement is not concessionary. Until the IBT addresses the members' questions and deals with the perceived concessions within the tentative agreement, you must postpone the impending ratification vote.

On September 27, 2015, Local 89 representatives, including myself, met with over 200 Local 89 carhaul members to review and discuss the summary of information provided by the IBT about the tentative agreement. After the Summary was presented to those in attendance, questions were fielded from the membership. Time and again the members expressed their dissatisfaction with the vague nature of the Summary. To my dismay, because of the lack of disclosure of the

negotiated terms, I, as the leader of one of the largest carhaul locals within the IBT, was unable to provide sufficient responses to my members' specific inquiries. No local union leader should ever be placed in a situation whereby the IBT fails to clearly and adequately advise them of newly negotiated terms and conditions of a national master agreement before those same local union leaders are forced to address their membership due to an unjustifiably expedited contract ratification vote. I find that fundamentally unacceptable. My patience with the IBT leadership and the carhaul negotiating committee is wearing very thin. My member's demand answers and explanations for numerous issues arising out of the tentative agreement.

The IBT has touted this tentative agreement as non-concessionary. That is simply a lie and the members have already recognized that fact. As an example, the rates under the new mileage system are direct economic concessions. Even so, an agreement doesn't have to have direct economic concessions (i.e. wage reductions, etc.) to be considered concessionary. A concession is any terms which ultimately and adversely affect the overall economic package and working conditions of the previous agreement. For instance, by expanding the definition of "Carhaul Work" within the Work Preservation Agreements, the negotiating committee has opened the door for the employers to bring in scab carriers or to engage in brokering of work, which will deprive union employees of work opportunities. Therefore, ultimately dollars will be stripped from our members' pockets and turned over to non-union carriers. If the employers are allowed to use other carriers and broker away our jobs (and potential earnings), how can that not be considered a concession?

I also find the modified "equitable treatment" provisions for hauling loads out of another terminal as concessionary. Historically, loads had to be equalized between terminals. Now, as it appears from the Summary, loads will be equalized system-wide. That method is impossible to police and will ultimately lead to the loss of work (and potential earnings) for many drivers because the employers will over-utilize other concessionary provisions of the NMATA and/or Supplements to run the lions share of loads by drivers from areas with less costly wage and benefits packages. Because it would be impossible to accurately police the equalization of loads system-wide the equalization will likely never occur. Even if equalization is attempted, the number of loads may be "equalized" but the substance and quality of the trips would be gerrymandered in such a way as to eliminate a true "equitable treatment".


Speaking of non-equitable treatment, the use of an "Open Board" under the new Article 48, Section 7 will undermine one of the most essential principles of unionization; SENIORITY. For years the employers have been trying to get this language in the NMATA/Supplement. Local 89 has fought off previous attacks like this from companies including Jack Cooper's controlled affiliate "Jack Cooper Specialized". By allowing upwards of 300 drivers to roam the system for 1-2 weeks at a time and get preferential super-seniority over everyone at the terminals they are being dispatched from, the negotiating committee has just conceded to the desires of the employer at the expense of all drivers within the carhaul division.

The aforementioned concessions work independently, and collectively, to disembowel the stability and protections of the NMATA. I cannot believe that you as the General President and Chairmen of the National Carhaul Negotiating Committee would allow this to happen to our carhaul contract under you watch. On second thought, perhaps I shouldn't be too surprised

considering what has happened to the UPS, UPS Freight and Freight agreements during your tenure. Those agreements have essentially been rewritten in favor of the signatory employers. They have become mere shells of what they once were. You cannot strip the teeth from a guard dog and still expect it to emanate a presence of fear and respect. That is exactly what the NMATA is designed to be... a watchdog for its members. It was written to protect the jobs within the industry and the livelihood of those who work under it. Will 2015 be the year it all comes to an end because of uninspired negotiators and illogical concessions?

It is not too late for you to stop this madness, right the ship and take immediate action to protect the carhaul division. The big question is whether you have the courage to do that! President Hoffa it is time for you to do the right thing and fix this mess you have allowed the IBT negotiators to create. You must suspend the presently scheduled ratification vote in order to give all local union leaders and their affected members ample time to voice their concerns about the tentative agreement. Likewise, you must take those concerns back to the negotiating table and reclaim the protections that the tentative agreement has conceded to the employers.

Fraternally,

A handwritten signature in black ink, appearing to read "Fred Zuckerman". The signature is fluid and cursive, with a large initial "F" and "Z".

Fred Zuckerman
President, Local 89

Cc:

General Secretary-Treasurer Ken Hall

General Executive Board

W.C. Smith (Office of the General President)

Bradley Raymond, IBT General Counsel