



## General Drivers, Warehousemen & Helpers Local Union No. 89

3813 TAYLOR BOULEVARD • LOUISVILLE, KENTUCKY 40215-2695

FRED ZUCKERMAN  
President & Business Agent

PHONE (502) 368-5885

FAX (502) 366-2009

TOLL FREE (800) 782-0896

COLVIN "JOHN" BOLTON  
Secretary Treasurer

TRUSTEES  
KEN LAUERSDORF  
PAUL MCINTOSH  
JEFF COOPER

AVRAL THOMPSON  
Vice-President

BEN BRAMBLE  
Recording Secretary

Thursday, July 11, 2013

**RE: -2013 UPS NEGOTIATIONS  
-Contract Reopener Notice and FMCS Form 7**

Dear Brothers & Sisters,

This letter is a formal response and update to the multiple inquiries received by Local 89 over the course of the past few weeks. Once it was brought to my attention that IBT members employed with UPS were concerned as to whether the IBT had the appropriate legal basis to engage in an economic strike against UPS, I personally undertook to investigate the concerns. The most troubling concern I received from the membership was the idea that the IBT failed to properly submit a contract reopener notice to UPS and/or Federal Mediation & Conciliation Service ("FMCS") Form-7, and therefore could not call for a lawful strike if contract negotiations broke down.

As most of you know, the contract reopener notice is required pursuant to Article 45 of the *National Master United Parcel Service Agreement and Central Region Supplement*. To timely comply with this Article, the reopener must be sent at least 60 days prior to the expiration of the contract in order to reopen the contract for negotiations. The FMCS Form-7 is required by federal law and must be filed with FMCS at least 30 days prior to the "dispute" (i.e. the expiration of the contract). In a general sense, if the contract reopener or Form-7 is not timely submitted, it affects the negligent party's ability to employ certain negotiation strategies. For instance, although negotiations may still occur despite a failure to file one or more of the required documents, the union's failure to file the documents can prevent it from engaging in a lawful economic strike.

My investigation has concluded that, at a minimum, the FMCS Form-7 was not filed with FMCS by July 1, 2013 (30 days prior to the expiration of the contract). On June 25,



2013 and July 3, 2013, I made formal Freedom of Information Act ("FOIA") requests to FMCS requesting copies of any Form-7 filed by the "International Brotherhood of Teamsters", "IBT", "Teamsters United Parcel Service National Negotiating Committee", "United Parcel Service" and "UPS" for the current collective bargaining negotiations. The FOIA compliance officer recently advised me via email that no such documents exist. However, as a measure of precaution, on July 3, 2013, I also sent a formal request to General President James P. Hoffa and General Secretary-Treasurer Ken Hall requesting copies of the contract reopener notice and FMCS Form-7. I have attached that request to this letter for you to read. As you will see, I respectfully asked that they respond to my request no later than Wednesday, July 10, 2013. Unfortunately, but predictably, neither responded to my request. Their collective failure to respond (and supply me with copies of those documents) leaves me no other option but to believe that, in fact, those documents do not exist.

At this point, I suspect you are asking yourselves, "What does all this mean as it relates to our ability to negotiate a fair and reasonable contract with UPS?" I believe the answer to this question should come directly from the IBT. If in fact the IBT failed to timely file a contract reopener notice, as well as the FMCS Form-7, then the IBT has some serious explaining to do to its members. As I stated previously, failure to file one or both of these documents can have extremely adverse effects upon bargaining. Before Local 89 and its membership can take a position as to how it intends to address this matter, I believe it is prudent for our membership to individually and collectively contact the IBT and the National Teamster Negotiating Committee to ask those leaders to address these issues and concerns. We need answers to these legitimate concerns and we need them now! Let your voices be heard.

Fraternally,



Fred Zuckerman  
President, Local Union 89