

INTERNATIONAL BROTHERHOOD OF TEAMSTERS

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KEN HALL
General Secretary-Treasurer
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June 5, 2018

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TEAMSTERS LOCAL 41

Mr. Michael Scribner
Teamsters Local Union No. 696
3600 NE Sardou Avenue Bldg. #2
Topeka, KS 66616-1678

Dear Sir and Brother:

This will advise that the General Executive Board, at its meeting held May 14, 2018, decided your appeal. The decision was based upon the written submissions of the concerned parties, and a complete review of the record. For your information, the General Executive Board's decision is enclosed.

Fraternally yours,

A handwritten signature in black ink that reads "Ken Hall".

Ken Hall
General Secretary-Treasurer

KH:gwb
Enclosure

cc: ✓ Teamsters Local Union 41
Teamsters Joint Council 56

Appeal of Local 696 from a Decision Awarding Jurisdiction of the New UPS Edgerton Facility to Local 41

Introduction

This matter came before the General Executive Board pursuant to an appeal filed by Local Union 696 from a decision of Joint Council 56 awarding jurisdiction over a new UPS facility in Edgerton, Kansas to Local Union 41. This new facility is located in Johnson County, Kansas. The facility was created by the transfer of work from UPS' Ottawa, Kansas facility, represented by Local 696, and work from its Lenexa, Kansas facility, represented by Local 41.

This jurisdictional dispute was initiated by Local 696, and Joint Council 56 conducted a hearing on October 19, 2017, in Kansas City, Missouri, at which both Locals were permitted to testify, call witnesses, and submit evidence in support of their respective positions. The Joint Council issued a decision on November 3, 2017, granting jurisdiction over the Edgerton facility to Local 41, and on November 7, 2017, Local 696 requested this appeal of the Joint Council's decision.

On January 23, 2018, Local 696 submitted additional information to the General Executive Board in support of its position that it is entitled to represent the employees at the new facility. Local 41 also submitted additional information in support of its request to affirm the Joint Council's decision.

Decision

The General Executive Board found that facts were relatively straightforward and not in dispute. The new facility is located in Johnson County, Kansas, which is within Local 41's geographic jurisdiction. Local 41 additionally represents workers at UPS' Lenexa facility, which is also located in Johnson County, Kansas. Local 696 represents workers at UPS' Ottawa, Kansas facility. Ottawa is located in Franklin County, Kansas. On or about August 29, 2017, UPS notified Local 696 of a change in operations that would result in a domicile change for Local 696's bargaining unit members at the Ottawa facility. When fully operational, UPS expects that the new Edgerton facility will consist of

approximately 200 bargaining unit jobs, made up of workers from both the Lenexa and Ottawa locations.

Local 696 contended that its Ottawa bargaining unit members' work was being moved permanently to the Edgerton facility. Local 696 further contended that from the Ottawa facility its members have routinely performed work in Edgerton since the 1970's and that its members currently service the zip code where the Edgerton facility is located. Local 696 additionally asked for reconsideration of Joint Council 56's decision based on the General Executive Board's recent decision in a jurisdictional dispute between Locals 174 and 313, which also involved a new UPS facility. In that dispute, the General Executive Board modified Joint Council 28's award of jurisdiction to Local 313 by permitting both Locals to jointly represent the employees at the new UPS facility.

Local 41's primary contention was that the new UPS Edgerton facility is entirely within the jurisdiction granted to it under its charter, and as a result, it is the appropriate entity to represent the bargaining unit members at the new location. Responding to Local 696's appeal, Local 41 further contended that of the approximately 200 bargaining unit jobs at the new facility, only 2% of these jobs will have come from the Ottawa facility. Additionally, Local 41 contended that its members also perform deliveries and pickups in the area of the new Edgerton facility. As Local 41 made clear, its package car members operate in areas outside of its immediate jurisdiction, including in Missouri and Iowa, and yet it has not made claims to other locals' geographic and craft jurisdictions.

As discussed, Local 696's primary basis for its appeal was a request that the General Executive Board take notice of its Locals 174 and 313 decision, and rule in a similar manner. However, the General Executive Board concluded that, unlike the matter between Local 174 and Local 313, nothing in the record suggested that Local 696's members will be harmed because of Joint Council 56's decision. The General Executive Board further noted that it "is not rigidly bound [by a prior] decision in fashioning a remedy for the current dispute, especially where some of the facts are different."

For the reasons listed above, and based on the evidence presented, the General Executive Board upheld the decision of Joint Council 56 and awarded jurisdiction over the new UPS Edgerton, Kansas facility to Local 41.

Dated: May 14, 2018