

TEAMSTERS JOINT COUNCIL 10 NEW ENGLAND

November 8, 2018



James P. Hoffa
General President
International Brotherhood of Teamsters
25 Louisiana Ave. NW
Washington, DC 20001

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Dear General President Hoffa;

This letter is in response to the so-called "Attorney Client Privileged" memorandum prepared by your Legal Department faxed today to the members of the General Executive Board.

First, it must be pointed out that the memorandum is not an impartial review of Art. XII, Section 2(d)(2). Mr. Witlen acknowledges he had previously been asked by Denis Taylor to provide him with his interpretation of Art. XII, Section 2(d)(2). Therefore, rather than require an independent review of Art. XII, Section 2(d)(2) the IBT merely asked him to confirm what he had previously advised Denis Taylor.

The memorandum is a tortuous and confusing attempt to detail the "history" of Article XII, Section 2(d)(2) of the International Constitution as a reason to justify the inappropriate action taken by you and Denis Taylor on October 5, 2018 in concluding the UPS contract offer was "ratified" even though more than 90,000 members constituting 54% of the members who voted did so to reject the UPS offer. The action taken by you and Denis Taylor was not only not appropriate but plainly not required by Art. XII, Section 2(d)(2) and, most importantly, the action taken was against the interests of the more than 209,000 UPS employees represented by the IBT.

As you know, the memorandum concedes that in 2013 the IBT did not follow the guidelines it now asserts it has to honor in 2018. The memorandum suggests that the 2013 situation (when the UPS offer was rejected by less than two-thirds of the voting members and where the total number of voting members was less than half of the members eligible to vote) is different than what happened in October 2018 based solely on the fact that UPS did not hold the IBT "to the legally enforceable representations we made at the start of negotiations concerning our Constitutional ratification procedures". Now, in 2018, without any supporting evidence the claim is that UPS was "holding" the IBT to its own Constitution. No one really believes such a concoction.

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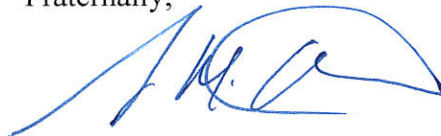
Apparently, you conveniently forget (or choose to ignore) that on the evening of October 5, 2018 UPS stated that although it was disappointed in the rejection of its offer it was ready to return to the bargaining table. Indeed, the reason for UPS' response to the vote is contained in Art. XII, Section 2(d)(2):

If less than half of the eligible members cast valid ballots, then a two-thirds (2/3) vote of those voting shall be required to reject such final offer and to authorize a strike. The failure of such membership to reject the final offer and to authorize a strike as herein provided *shall require the negotiating committee to accept such final offer or such additional provisions as can be negotiated by it.*

Clearly, UPS knew that you and Denis Taylor had a choice as you did in 2013; accept the UPS offer (it was *never* ratified by the membership) OR seek to negotiate additional provisions. For some reason, this year you and Denis Taylor took the easy way out and chose to retreat rather than forge ahead for a better deal. Even after UPS announced its intention to return to the bargaining table Denis Taylor announced to the world that while he would try to seek additional provisions the IBT had little leverage to obtain a positive result. Predictably, following Denis Taylor's "concession" speech UPS's announcement of its intention to return to the table immediately evaporated. Sadly, the Teamster members employed by UPS will suffer the consequences of your lack of courage for the next five years.

Finally, the memorandum claims that there was "an unprecedented get out the vote effort". While there may have been such an effort it was only in the areas of the country that were favorable to an affirmative vote. Despite several requests for information regarding the "unprecedented" vote Yes campaign conducted by the International we have not received the information. Your refusal to supply the information only serves to confirm the belief that there wasn't "an unprecedented effort" to get out the vote in areas of the country where you and Denis Taylor felt there would be a significant No vote.

Fraternally,



Sean M. O'Brien