



LOCAL 804 - DELIVERY AND WAREHOUSE EMPLOYEES

An Affiliate of

INTERNATIONAL BROTHERHOOD OF TEAMSTERS

34-21 REVIEW AVENUE - LONG ISLAND CITY, NY 11101 -TEL. (718) 786-5700 - FAX # (718) 786-5757
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October 9, 2018

General President Hoffa:

I write to urge you not to implement the recently rejected National Master UPS Agreement and resume bargaining with the Company. To implement this agreement after the membership rejected it would undermine our union's democratic process, and violate the IBT Constitution. I also believe there is an alternative solution that would unite all of our members because the Company has yet to make a "final offer."

As you know, the majority of the national membership recently voted to reject the National Master UPS Agreement. This vote reflected the will of an informed and actively-engaged membership.

There is no doubt that the membership was fully engaged in the lead up to the contract ratification vote. As the October 5, 2018 UPS Rising News reported, "the National Negotiating Committee has provided members with an unprecedented number of leaflets and summaries explaining the terms of the proposed contract." It then stated that, "Members supporting and opposing the tentative agreement have freely and energetically exchanged their views through social media and at the workplace, examining every aspect of the proposal." As a Teamster, I am proud that our union allowed for such a healthy debate, but to now ignore the outcome of the vote and implement the agreement is a grave mistake.

I am also honored that the membership of Local 804 played an active role in the ratification process. As a member of the Negotiating Committee, I was open and consistent in my disapproval of the agreement and I recommended that our members reject it. However, I also encouraged them to respect each other, as well as other Teamsters from around the country who had a different point of view. In fact, I was attacked on social media and targeted by the TDU for encouraging our members to listen to their fellow Teamsters. A fundamental principal of our union is to encourage open debate regarding our future as an organization. In this instance the results of that debate are clear and the membership has spoken.

I also believe that there is a solution that would unite our membership in both the "yes" and the "no" camps. Article 12, Section 2 of the Constitution only applies when, "in the judgement of the negotiating committee the involved employer has made a final offer". The negotiating committee never determined there was a final offer. The above mentioned "unprecedented number of leaflets and summaries" did not say it the proposal was a final offer. It was also not explained to the membership that as per Article 12, Section 2 a rejection of the "final offer" would authorize a strike without any further votes. Had the membership been aware of this important fact it would have dominated the



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debate. It did not because the membership was never told they were voting on a final offer and what that meant.

I urge you to reconsider your decision to implement the contract and instead resume bargaining with the Company because they have not made a final offer. When a new improved agreement is reached, the negotiating committee should clearly inform the membership whether it is a final offer. When this is explained properly, I am confident that a large majority of the membership will vote. It is then up to our union's leadership to not demonize the minority and to unite the membership to follow the wishes of the majority.

Fraternally,

A handwritten signature in black ink, appearing to read "Danny Montalvo".

Danny Montalvo,

President, Teamsters Local 804

cc: Denis Taylor
George Miranda
Dan Kane
Sean O'Brien
Bill Hamilton