



CHAUFFEURS, TEAMSTERS AND HELPERS TEAMSTERS LOCAL UNION NO. 776

"Affiliated with the International Brotherhood of Teamsters"



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Teamsters Local 776
On Senate Bills 93 & 94
January 27, 2016

Good afternoon, I would like to thank you, Chairman Rafferty, and the members of this Committee for providing Teamsters Local 776 the opportunity to offer our views on Senate Bills 93 and 94 presently pending before you.

I am Edgar Thompson. I am the President and principal executive officer of Teamsters Local 776, headquartered in Harrisburg and proudly representing members in both the private and public sectors throughout the Susquehanna River Valley and Central Pennsylvania. Prior to my election to the office of President of Local 776, I worked as a professional commercial driver for 22 years at YRC freight. Our Local Union is the largest Teamsters local in Pennsylvania and we represent approximately 9300 hard working men and women in Adams, Cumberland, Dauphin, Juniata, Perry, and York Counties. Of those 9300, approximately 2000 are professional commercial drivers employed by a host of employers with which we have long standing Collective Bargaining Relationships including: ABF Freight, Eckert Trucking, Enerfab, Domestic Linens, Hess Trucking, Volpe Express, UPS, UPS Freight, York Container, York Casket, and YRC Freight. Our driver members perform every operation in the Commercial trucking field from local pick-up and delivery, to home delivery, to long haul transportation with Sleeper operations; we have a sizable proportion of our membership with 1, 2 and 3 million miles of accident free driving! Our Teamster Drivers, and the companies for which we work, are at the pinnacle of safe and secure operations on the road today anywhere in North America.

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Many of the commercial freight companies employing our highly trained and very highly skilled members have snow removal/snow scrapers at their facilities; when I say snow scraper I'm not speaking of the handheld device picked up at the check out counter of a Big Box store. I mean a very large device that you drive the vehicle under and in many cases a beam or arm will be raised or lowered to remove the significant accumulation of snow and ice. This is one advantage our members have...many of our facilities are very large consolidation or distribution facilities and have the personnel, revenue and equipment to allow this...and the Collectively Bargained Agreements that require it as part of our Union's broad concern for safety not only of our members but the general public as well. When our members reach their destinations, in most cases, they are small "end of the line" facilities with no equipment for snow removal and in many case our driver may be the only employee present at the facility. That imposes a serious safety concern for our members when they try to remove snow/ice.

Our members work under Collectively Bargained Agreements that contain jointly agreed upon Health and Safety language to protect our members from injuring themselves, or someone else, or creating hazardous conditions. Our members have a contract right to refuse to perform work that that is considered unsafe or in violation of the law. With that being said, not all of our members are secure in confronting management when these situations arise. While personally I would not have a problem in calling my dispatcher and telling her that I will not move a trailer until they get someone to clean the snow and/or ice from the roof, unfortunately not everyone will do this out of a genuine concern over retaliatory management action. In all too many instances, management, in our industry, is very aggressive and will force or threaten employees with everything from a lower paying dispatch to termination if they don't drive a vehicle, that is in a compromised safety condition, without delay. And what I describe is what goes in a Unionized environment where workers are secured through a grievance procedure to address issues; can you imagine what happens to a non-union driver.

We applaud your efforts and join in supporting legislation that improves safety for the motoring public, our members and the Companies we represent...legislation that helps to level the playing field as among companies that invest in safe practices and conduct and those that unfairly compete by exploiting a legislative

vacuum. But, with that said, any legislation needs to come with meaningful and self executing protection...protection for the driver that would otherwise be forced...compelled under a cloud of workplace reprisal...to drive a vehicle with an accumulation of snow or ice with the threat of termination, limited or inferior work assignments, workplace harassment or reduced earnings. Unfortunately, the salutary intentions of Senate Bills 93 and, more significantly for our interest, Senate Bill 94, focuses exclusively on the Driver, who, most certainly in the employment context, is carrying out the directive of a dispatcher or other employer agent or supervisor. While we agree that a negligent driver should be subject to sanction where his or her negligence is clear, the law must also provide protection for the driver that refuses to drive an unsafe vehicle or haul safety compromised equipment and is subsequently disciplined, marginalized, harassed or fired. And the law must provide for such workers, who would potentially be victimized by this otherwise valuable legislative effort, to put forth an affirmative legal defense of *employer direction or requirement* to perform safety compromising conduct or risk discipline or the ability to reasonably demonstrate that their safety based protest would be futile or met with retribution. And I note, in this regard, that our General Assembly has provided for such essential workplace protective rights in other areas of the law such as our Workers' Compensation Act, the Chemical Right to Know Law, the Whistle Blower Act, the Unemployment Insurance Law and other statutes that provide penalties against those employers who retaliate against workers who exercise their legal rights. Without such basic protection and statutory security, we fear your worthy legislative efforts will become an unintended hollow shell.

Of special concern for your consideration in this regard is the real, and not as readily known, impact upon professional commercial drivers who are charged with any vehicular related conduct, whether or not they are work related. All too often a simple traffic violation results in workers being subjected to the workplace equivalent of Capital Punishment...a termination from their jobs...and with that a practical impossibility of securing alternative employment in their profession. This is a reality with which I am all too familiar and that this salutary pair of legislative proposals should recognize and address.

Additionally, the driver is not the only person who should be at risk for penalty in the context of the conditions that this legislative action seeks to address; the

dispatcher who directs the driver to ignore basic safety concerns is also responsible; the manager that threatens or implies retribution against the driver should not be left to continue to force others to violate the intended protections. And, the Company or employer that establishes impossible to meet demands, deadlines and/or unreasonable budgets, must also be subject to significant sanctions that are commensurate with the hazards they create and the unreasonable and unacceptable work place penalties imposed upon working people for attempting to protect against them.

With that, I conclude my remarks and advise that I will make myself available for any appropriate questions you may have.

Thank you!