

# Protect Yourself From Excessive Overtime

**With peak over, our 9.5 rights are back in effect. Now's the time to get on the 9.5 list.**



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Local 776  
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Use your 9.5 rights in the contract to get penalty pay for excessive overtime and to get your load adjusted.

Local 776 has issued a 9.5 Rights Enforcement packet to make it easier to enforce your protections against excessive overtime.

Get a copy from your Steward or Business Agent or download it from:

[www.teamsterslocal776.org](http://www.teamsterslocal776.org)

The packet can be found under member resources

## The ABCs of Enforcing Your 9.5 Rights

**Step 1. Document Your Excessive Overtime.** Use the 9.5 Rights Documentation Form to document any workweek in which you work over 9.5 hours on three days.

**Step 2. Tell your Center Manager you want to be on the 9.5 List.** Fill out and turn in a 9.5 Opt-In List Request Form. Make sure to bring your steward with you.

**Step 3: Report a 9.5 Violation.** Once you are on the 9.5 list, keep track of any work week in which you work more than 9.5 hours three times. Take your steward and report the 9.5 violation to the manager. Depending on the situation, an appropriate next step would be adjusting your load, triple time pay for hours worked over 9.5 hours in a day, or agreement to pay the triple time penalty on the next violation.

**Step 4 (if necessary):** If your center manager doesn't resolve the problem, talk to your steward and file a grievance, using the 9.5 E-Z Grievance Form. The company may stall. But when your grievance gets paid, at least you'll get triple time pay for the excessive overtime instead of time-and-a-half.

# How to Enforce Your 9.5 Rights

**Local 776 has produced new tools to help package drivers enforce their 9.5 rights against unwanted excessive overtime.**

The 9.5 Rights Documentation Form and 9.5 E-Z Grievance Forms are designed to help drivers who do not want excessive overtime to stop the company from working you more than 9.5 hours a day more than twice a week-and to make UPS pay for violations.

This guide takes you through the 9.5 procedures and explains how to use the 9.5 Rights Documentation Form and 9.5 Grievance Form to enforce your rights.

## Who is Eligible?

Package Car Drivers who are assigned to a route are eligible to get on the 9.5 list and file grievances. To qualify for the 9.5 Opt-In list, you have to work more than 9.5 hours in a day, excluding breaks, three times in a work week.

Cover Drivers will be eligible to exercise their 9.5 rights as long as:

1. The driver covers a route for a full week
2. The driver bids or is assigned to cover a route for a full week but is prevented from completing that bid or assignment due to reassignment by UPS
3. An employee with four (4) years of seniority as a full time package driver

## Qualifying for the 9.5 List

Exercising your 9.5 rights is a two-step process. First you have to get on the 9.5 Opt-In list. Then you have to file a grievance every time you work more than 9.5 hours a day three times in a week.

To win grievances, it is critical to follow and document these steps. That's what the 9.5 Rights Documentation Form is for.

Step one is to document a work week in which you worked three days over 9.5 hours. The 9.5 Rights Documentation Form includes a table where you can document the simple but critical details: dates worked, start time, unpaid breaks, end time, and total hours worked.

## Requesting to Get on the 9.5 List

Once you have documented a work week in which you worked over 9.5 on three days, you have to tell your Center Manager that you want to be on the 9.5 list.

Fill out a 9.5 Opt-In Request Form with the signature of the member and the steward to hand in to the Center Manager.

## Meeting with Management

Take your shop steward and meet with the Center Manager. At the meeting, turn in the Opt-In Request Form and ask for the Center Manager's signature.

Your Center Manager should add you to the 9.5 Opt-In list for a five-month period, excluding November and December. This means if you get added to the Opt-In list in October, you will stay on the list for

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October through May-five months, excluding peak.

If you worked more than 9.5 hours on three days in one work week, you automatically qualify for the 9.5 list. (**Remember:** cover drivers are covered under different rules.) The Center Manager may try to get you not to go on the list. But it is your right.

Use the Enforcement Form to document what happens in your meeting with your Center Manager.

If the Center Manager denies your right to get on the 9.5 Opt-In list, the steward should document that fact and their reasons why on the 9.5 Rights Documentation Form.

Then the steward should file a grievance saying that the company violated Article 37 by failing to add you to the 9.5 Opt-In list after you had worked more than 9.5 hours on three days in one work week.

If the Center Manager makes any threats that you will be over-supervised, given extra performance rides, or be targeted with telematics, document that too. Use the extra space on the back of the form as needed.

The more documentation you have-and the more drivers in your center that are getting on the 9.5 Opt In list-the more protection you will have.

## Filing 9.5 Grievances

Once you are on the 9.5 list, you should use the 9.5 Violation Form to document every time you work more than 9.5 hours three times in a work week. Again, you will need the simple but critical details:

dates worked, start time, end time, unpaid breaks and total hours worked.

Armed with your evidence, go with your steward to speak with the Center Manager to request that the company comply with Article 37 of the contract, which calls for the company to adjust the driver's work schedule and pay triple time pay for hours worked over 9.5 hours in a day.

If the company agrees to resolve the problem, note the settlement on the 9.5 Rights Documentation Form.

Depending on the situation, an appropriate settlement calls for adjusting your load, triple time pay for hours worked over 9.5 hours in a day, or agreement to pay the triple time penalty on the next violation.

If the company doesn't resolve the problem, file a grievance. You can use a regular grievance form or a Local 776 9.5 E-Z Grievance Form. Make sure to grieve for penalty pay and to grieve the company's failure to adjust your load.

You should file a new grievance every week the company works you over 9.5 as long as you are on the 9.5 list.

## We're Stronger Together

Local 776 members can enforce our rights-but we've got to document it each step of the way.

Use the new 9.5 materials to enforce your rights. Talk with other drivers in your center. Chances are you're not the only driver who wants your 9.5 rights respected. We're stronger when we work together.

# The ABCs of Enforcing Your 9.5 Rights

**Step 1. Document Your Excessive Overtime.** Use the 9.5 Rights Documentation Form to document any work week in which you work over 9.5 hours on three days.

**Step 2. Tell your Center Manager you want to be on the 9.5 List.** Fill out and turn in a 9.5 Opt-In List Request Form. Make sure to bring your steward with you.

**Step 3: Report a 9.5 Violation.** Once you are on the 9.5 list, keep track of any work week in which you work more than 9.5 hours three times. Take your steward and report the 9.5 violation to the manager. Depending on the situation, an appropriate next step would be adjusting your load, triple time pay for hours worked over 9.5 hours in a day, or agreement to pay the triple time penalty on the next violation.

**Step 4 (if necessary):** If your center manager does not resolve the problem, talk to your steward and file a grievance, using the 9.5 E-Z Grievance Form. The company may stall. But when your grievance gets paid, at least you will get triple time pay for the excessive overtime instead of time-and-a-half.



# IBT LOCAL 776 9.5 OPT-IN LIST REQUEST FORM

Pursuant to Article 37 of the contract, I am hereby notifying the company through my Center Manager that I wish to be placed on the 9.5 Opt-In list for a five-month period, excluding November and December.

As documented below, I worked more than 9.5 hours on three or more days in one workweek.

Day	Date	Route	Start Time	Lunch	End Time	Hours Worked
Mon						
Tues						
Wed						
Thurs						
Fri						

\_\_\_\_\_  
Driver's Name [PLEASE PRINT]

\_\_\_\_\_  
Driver's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Shop Steward Name

\_\_\_\_\_  
Shop Steward Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Center Manager's Name

\_\_\_\_\_  
Center Manager's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_ Indicate here if Center Manager refuses to sign. Write down date, time and location that this form was delivered to the Center Manager without their signature.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*The driver and shop steward should each maintain a copy of the completed form.*



For Union Use Only. This Information is for the Steward or Union Representative.

Steward Use Only	<b>Name of Steward</b>	<b>Date Form Given to Steward</b>	<b>Grievance Number</b>

# LOCAL 776: 9.5 RIGHTS DOCUMENTATION FORM

## INSTRUCTIONSTO MEMBERS

Article 37 of the contract provides you with protections if you are continuously worked more than 9.5 hours a day. Local 776 has produced this form to help you document 9.5 violations and enforce your rights. Exercising your 9.5 rights is a two-step process. It is critical to follow and document these steps. Note: Additional restrictions apply to Cover Drivers. Consult your steward or business agent for more information or go to [www.teamsterslocal776.org](http://www.teamsterslocal776.org) for more information.

**Step One:** Use this form to document a single work week in which you worked three days over 9.5 hours. Go with your steward and inform the Center Manager that you want to be put on the Opt-In list. Once you are on the Opt In list you will stay on the list for five (5) months, excluding Nov. and Dec. (Once five months have passed, excluding Nov. and Dec., you will be removed from the Opt In list and you will have to re-qualify by working three days over 9.5 hours in one work week and requesting to be put back on the list.) You must already be on the Opt In list before you can proceed to Step Two and file a grievance

**Step Two:** Once you are on the Opt In list, you are eligible to file a grievance every time you work three days over 9.5 hours in a single work week. Talk to your shop steward to file a grievance for penalty pay and to get your load adjusted.

Name of member making report (Please print) \_\_\_\_\_ Phone # \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Center \_\_\_\_\_ Route \_\_\_\_\_ Date of Hire \_\_\_\_\_ Pay Rate \_\_\_\_\_

Fill out this form to document the days that you worked more than 9.5 hours on three or more days in one week.

Day	Date	Route	Start Time	Lunch	End Time	Hours Worked
Mon						
Tues						
Wed						
Thurs						
Fri						

## INSTRUCTIONS TO SHOP STEWARD

**Step One:** If the member is not already on the Opt In list go with him/her to the Center Manager's office and tell the Center Manager that the member wants to be on the Opt In list. Use the section below to document that the member will be added to the list for five months-and retain this form for your records. The member must be on the Opt In list to be able to file a 9.5 grievance. If the manager refuses to add the member to the Opt In list, document their refusal and file a grievance.

**Step Two:** If the member is already on the Opt In list, take the member and go speak with the Center Manager to request that the company comply with Article 37 which calls for the company to adjust the driver's work schedule and pay triple time pay for hours worked over 9.5 hours/day. If the company agrees to resolve the problem, note the settlement here. If the Company does not agree, file a grievance. A 9.5 E-Z grievance form can be downloaded at [www.teamsterslocal776.org](http://www.teamsterslocal776.org).

Name of Center Manager: \_\_\_\_\_ Date/Time of Meeting \_\_\_\_\_

Interview notes (Use back if needed) \_\_\_\_\_

Result of Step One Meeting:

❖ Member added to Opt In List for the following five months (Circle) Jan Feb March April May June July Aug. Sept Oct.

Note: 9.5 rights cannot be exercised in Nov. and Dec. These months do NOT count toward the 5-month period that the member is on the Opt In list.



Instructions [from Article 48, Section 2(a)]: The employee shall report it (the violation) to his Steward in writing within five (5) working days. The Steward shall attempt to adjust the matter with the supervisor within two (2) working days.

Are you currently on the 9.5 list? Yes  No  When did you place your name on the 9.5 list? \_\_\_\_\_

Where did the violation take place [List Center(s)]? \_\_\_\_\_

Identify all management personnel involved in this grievance [Name(s) & title(s)].  
\_\_\_\_\_

Complete the following chart. Use a new form for each week of violation.

Day	Date	Route	Start Time	Lunch	End Time	Hours Worked
Mon				To		
Tue				To		
Wed				To		
Thurs				To		
Fri				To		

CONTRACT ARTICLE VIOLATED: All relevant article of the contract and past practices including but not limited to:

Article 37 of the National Master Agreement & 9.5 Committee Guidelines

**SETTLEMENT REQUESTED:** The grievant asks to be "made whole" in every way in addition to the following remedy:

Cease and desist from violating the Grievant's 9.5 rights. Reduce load as necessary. Pay triple time for all hours worked more than 9.5 per day. Maintain a sufficient workforce.

**GRIEVANT INFORMATION** — [Print name of Grievant] \_\_\_\_\_

Phone \_\_\_\_\_ Employee ID \_\_\_\_\_ Seniority Date \_\_\_\_\_ Pay rate(s) \_\_\_\_\_

Job/Classification: \_\_\_\_\_ Building: \_\_\_\_\_ Home Center \_\_\_\_\_ Start time \_\_\_\_\_  AM  PM

**STEP 1 RESPONSE** — Steward's Name \_\_\_\_\_ Supervisor's Name \_\_\_\_\_

Date & place grievance was first discussed with the supervisor: Date \_\_\_\_\_ Place \_\_\_\_\_

**CHECK BOX IF GRIEVANCE WAS SETTLED AT STEP 1:** If there is a satisfactory settlement to the grievance at step 1, check this box, write the grievance settlement below and have the parties sign the decision. Deliver the signed settlement to the Union Office for filing.

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Supervisor/Manager

\_\_\_\_\_  
Union Steward

\_\_\_\_\_  
Member

**CHECK BOX IF THE GRIEVANCE IS NOT SETTLED AT STEP 1:** The contract states: Article 48, Section 2(b) Failing to agree, the Steward shall promptly report the matter to the Union which shall submit it in writing and attempt to adjust the same with the Employer within five (5) working days. Steward Instructions: Immediately pass this grievance processing form to the Union Rep for Step 2 of the grievance procedure. In the space below write the supervisor's reason for denying the grievance.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_