

INTERNATIONAL BROTHERHOOD OF TEAMSTERS

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December 6, 2010

VIA FACSIMILE AND U.S. MAIL

Mr. Gary "Doc" Doherty, President
Teamsters Local Union 877
411A North Wood Avenue
Linden, NJ 07036

Dear Sir and Brother:

This is in response to your letter of November 26, 2010, requesting an interpretation of the International Constitution regarding the settlement of a series of grievances with ConocoPhillips. The grievances involved the company's implementation of a cross training program.

As you are aware, Article XII of the International Constitution provides that collective bargaining agreements must be ratified by the affected membership. It requires the same ratification procedure in the case of mid-term contract modifications agreed to by the parties. However, no membership ratification is required where a Local Union exercises its legal discretion as the bargaining agent to settle a grievance, or a set of grievances, where the settlement does not alter or deprive members of any of the terms or conditions of employment established by the contract.

I have reviewed the materials you provided and the explanation of the Local Union's actions. It is my understanding that the company has implemented a cross training program and has operated it without the Union having meaningful input. In settling the grievances that have been generated by the company's program, the Union was able to establish precise parameters that will govern the company's future training efforts and protect the interests of the employees from unilateral company modifications. You

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have advised that these new rules will not deprive any member impacted by the cross training program of a benefit currently provided by the collective bargaining agreement.

Under these circumstances, it is my opinion that the grievance settlement is not subject to membership ratification under Article XII. Rather, the Local Union's decision to resolve the outstanding grievances and negotiate protections for the employees in the form of rules that will prohibit the company from unilaterally changing the agreed upon training procedures falls within its authority to represent the best interests of the overall bargaining unit, as defined in Article XIV, Section 3 of the International Constitution.

Fraternally yours,



Gary S. Witlen
Director, Legal Department

JPH:gwc

cc: Michael McLaughlin, Esq. (via Facsimile (908) 298-9333)