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Transport Workers Union of America, AFL-CIO

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December 16, 2014

To: All Local Officers and Members
Subject: Flexible Vacation Arbitration Case
Case No.-ATD 02-14

Dear Brothers and Sisters,

I'm sorry to report to the membership that we have received the long awaited decision from the Arbitrator Stanley Sergent and we did not prevail in our argument. The grievance was **denied**. Below are excerpts from the case and we will forward a copy of the decision to each local union for their review. In closing I would like to thank everyone who worked so hard in the preparation and presentation of this case.

Arbitrator Sergents writes:

*In that regard it is well recognized principle that once the conditions upon **past practice** have changed or eliminated, that practice may no longer be given affect. In the present case the company had 70,000 employees and was confronted with the challenge of integrating and harmonizing Flex Vacation Policy after adding 45,000 new employees, who had no such policy. The fact that this constituted a significant and dramatic change in circumstances which would justify the elimination of the policy cannot be legitimately disputed.*

In conclusion, based upon the reasoning set out above, the board finds that the union has failed to meet its burden of proving that company's decision to discontinue the Flex Vacation is violation of the CBA.

Fraternally,

David J. Virella
International Representative
AA System Coordinator