



TO: ALL LOCAL UNION AND JOINT COUNCIL PRINCIPAL OFFICERS, POLITICAL COORDINATORS, AND STATE LOBBYISTS

**FROM: CHRISTY BAILEY, DIRECTOR
DEPARTMENT OF FIELD & POLITICAL ACTION**

**LISA KINARD, DIRECTOR
DEPARTMENT OF FEDERAL LEGISLATION & REGULATION**

DATE: JANUARY 14, 2011

RE: IBT LEGISLATIVE UPDATE – NOV./DEC. 2010

1. Pension reform:

Pension reform remains one of the IBT's top legislative priorities, and we continue to advocate the need for pension relief for our nation's pension plans, and in particular, multi-employer defined benefit plans. In June, Congress passed and the President signed into law the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, which provides some funding relief for multi-employer plans and the companies that sponsor them. The changes include an extended amortization period for fund losses and a 10-year smoothing period. The new law will temporarily reduce the required contributions to multi-employer plans by allowing sponsors to recognize losses suffered in 2008 and 2009. This will help companies that may have been forced to make contribution increases that they could not afford, or reduce the extent of any benefit reductions that would have been required.

The Teamsters Union worked alongside the National Coordinating Committee for Multiemployer Plans (NCCMP) in support of this relief. With the new 112th Congress, we will continue to work on pension relief measures, including specific relief for the Central States Fund.

2. Federal Aviation Administration (FAA) Reauthorization:

Before adjourning for the year on December 22, Congress passed another extension of current funding for FAA programs. This new three-month extension, the seventeenth of its kind since the FAA authorization bill expired in 2007, will run through March 31. The latest extension pushes any work on the reauthorization bill further into the 112th Congress. While the Republican takeover of the House and gains made in the Senate do not bode well for an Express Carrier provision being included in the reauthorization, the IBT is exploring every opportunity for passage of this provision in this next Congress.

3. Clean Ports Act / Clean Truck Program:

By the time Congress adjourned for the year, 92 House members had cosponsored H.R. 5967, the Clean Ports Act of 2010. While the legislation died at the end of the session, Rep. Jerrold Nadler (D-NY) has already agreed to reintroduce the bill in the 112th Congress. A Republican-controlled House will make it more difficult to include this bill in a broader surface transportation reauthorization, however, a strong effort will be made to have a Senate version of the bill introduced and moved through that chamber as well.

On the legal front, as expected, the American Trucking Association (ATA) filed an appeal of the favorable ruling for the Port of Los Angeles and its Clean Truck Program issued by Judge Christina A. Snyder of the United States District Court for the Central District of California. The ATA asked for and received an expedited hearing schedule, requiring that its brief be due December 28, 2010 and the Port's brief be due January 31, 2011. Any amicus brief supporting a particular party must file seven days after the party they are supporting files their principal brief. The Bush Administration's Department of Transportation (DOT) filed an amicus brief in 2008, while the case was before the Ninth Circuit for the first time. In part, it attacked the Port's reliance on the market participant doctrine. Discussions are ongoing with the Obama Administration's Department of Transportation in an effort to have DOT file another amicus brief in the case; otherwise, its position from the first brief filed supports the ATA position.

4. Social Security:

On December 3, members of the National Commission on Fiscal Responsibility and Reform voted 11 to 7 in favor of the Co-Chairs' proposal for reducing the nation's debt. Among other things, the proposal included cuts to Social Security and increasing the retirement age as recommendations. The Commission came up short of the fourteen votes needed to acquire a supermajority and send the recommendations to Congress for an up-or-down vote. However, cuts to Social Security remain an issue that the IBT and the other Strengthen Social Security coalition organizations will be monitoring in 2011 as pieces of the Commission Co-Chairs' proposal are expected to be introduced as legislation.

5. Hours of Service Proposed Rulemaking:

The Federal Motor Carrier Safety Administration (FMCSA) recently issued a Notice of Proposed Rulemaking on hours of service requirements for commercial truck drivers. In accordance with the timeline mandated by a court settlement, FMCSA must publish a final rule by July 26, 2011. The current proposed rule would do the following: maintain the 34-hour restart provision allowing drivers to restart their weekly clocks after 34 consecutive hours off, but require that this restart period include at least two midnight to 6 am off-duty periods and that drivers only be allowed to use the restart provision once in a 7 day period; require drivers to complete all driving within a 14-hour workday and to complete all on-duty work-related activities within 13 hours to allow for at least one hour of break time; leaves open for comment whether drivers should be limited to 10 or 11 hours of daily driving, although FMCSA prefers the 10-hour limit, as does the IBT; allow a driver to extend the 14-hour workday to 16 hours up to two times per week; allow drivers to count some of their time spent parked in trucks as part of their off-duty time; and, seek maximum civil penalties of up to \$2,750 for each offense for drivers who seriously violate the maximum driving time limit (10 or 11 hours) and up to \$11,000 for each offense for trucking companies that allow drivers to violate the maximum driving time limit. A serious violation would be any instance where the 10 or 11 hour time limit is exceeded by 3 or more hours.

The proposed rule was published in the *Federal Register* on December 29 and is open for comments for a period of 60 days from that date. The IBT Safety and Health Department is currently reviewing the proposed rule and its potential effects on Teamster members and will be submitting comments.

6. James Zadroga 9/11 Health & Compensation Act (H.R. 847):

On December 22, after an initial cloture vote failed two weeks before, the Senate passed by unanimous consent the James Zadroga 9/11 Health & Compensation Act (H.R. 847). The House, which had passed its own version of the bill in September, voted the same day in favor of the Senate version (206-60). The bill was signed into law by President Obama on January 2.

This legislation will provide medical monitoring and treatment to emergency responders, recovery and clean-up workers, and community members suffering serious diseases due to exposure to the Ground Zero toxins resulting from the 9/11 terrorist attacks. Many of these workers have suffered economic losses because of their World Trade Center-related illnesses. The legislation will reopen the 9/11 Victim Compensation Fund to provide compensation for economic losses and harm for those who are sick. Teamster members were among the thousands of rescue and recovery workers who responded to this horrific attack and who now need help.

“This is the very least that the American people can do to honor the sacrifice and courage that these heroes made after the 9/11 attacks,” General President Hoffa said. “Teamsters are among those suffering heart and lung problems because of their tireless work at Ground Zero. Some have lost wages, and some have lost their health benefits. I am so pleased that Congress is doing the right thing for these brave patriots.”

7. National Labor Relations Board Proposed Rulemaking:

The National Labor Relations Board (NLRB) has issued a Notice of Proposed Rulemaking to require employers to post notices in workplaces informing employees of their rights under the National Labor Relations Act (NLRA), including the right to form a union. According to the proposed rulemaking, which was published in the *Federal Register* on December 22, the NLRB “believes that many employees protected by the NLRA are unaware of their rights under the statute. The intended effects of this action are to increase knowledge of the NLRA among employees, to better enable the exercise of rights under the statute, and to promote statutory compliance by employers and unions.”

Comments on the proposed rulemaking can be submitted through February 22, 2011. The IBT will be filing comments.

8. Unemployment insurance benefits extension:

Before adjourning for the year, Congress passed and the President signed into law a thirteen month extension of federal unemployment insurance benefits as part of the Bush tax cuts extension package. The extension is retroactive to November 30, 2010, when the last extension expired; however, the legislation did not increase the allowed maximum of 99 weeks of benefits, so workers who reach or have already reached this limit will no longer be able to receive benefits.

If you have any questions or need additional information about this month’s legislative update, please contact the Department of Field and Political Action at (202) 624-6993. A

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legislative update for members is also available on the Teamster website at www.teamster.org/content/teamsters-legislative-update. Please feel free to place a link to this information on your Local Union/Joint Council's website.

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