



## EPP UPDATE April 30, 2018



To Local 1181 members:

This is an update on the status of the DOE's plan to bid contracts with EPPs. 17 companies responded by filing two lawsuits to stop the bid. One lawsuit is in State Court before Judge Rakower. The lawsuit in federal court is before Judge Garaufis. The companies asked both judges to issue a Temporary Restraining Order and then an injunction to stop the bid.

The State judge put a temporary restraining order on the bid. On April 24, the state judge held a hearing and is now considering whether to permit the bid to go forward.

The DOE immediately asked a state appeals court to remove the temporary restraining order. This request is also pending.

Finally, the federal judge denied the companies' request for a temporary restraining order. There is a motion for an injunction pending before the federal judge but it has not been fully briefed.

Although Local 1181 is not a party to the cases because Local 1181 is neither a plaintiff nor a defendant, we requested to intervene in both cases as an interested party in support of the EPPs. Both judges permitted us to file briefs and I also submitted an affidavit in support of the EPPs.

Reliant was also permitted to file briefs in support of the EPPs.

Meanwhile, we were greatly disappointed to see Teamsters Local 553 file a motion to intervene in the federal case in support of the companies and against the EPPs. The federal judge allowed Local 553 to file a brief. Teamsters Local 917 also tried to intervene in the federal case against the EPPs but the judge denied Local 917's request. Local 553, Local 917, and TWU Local 100 all gave statements standing with the companies against the EPPs, which the companies gave to the state court judge.

We were advised that IUJAT Locals 355 and 455 who represent workers at L&M, have not spoken out against the EPPs.

And in another strange turn of events, Durham (New Dawn) moved to intervene in the state court case in support of the EPPs even though its employees are members of Local 553. The court did not permit New Dawn to intervene.

PIST the parent group is also supporting the EPPs and submitted a statement to the state court.

On April 24, over 80 drivers, escorts, and parents held a rally in front of the state court on the day the judge heard arguments from the lawyers for the companies and the DOE (the plaintiffs and defendant). Our message is clear: WE WANT THE EPPs BACK IN ALL CONTRACTS!!!

The companies may be hoping that the state court continues to bar the DOE from moving forward with the bid so that the DOE has to cancel the bid and extends contracts to ensure that service is in place for September 2018. Local 1181 calls upon the DOE to move forward with the bid and restore the EPPs to all contracts as soon as possible.

We will let you know about all pertinent developments.

In Solidarity,

Michael Cordiello, President/Business Agent  
and the Executive Board  
ATU Local 1181-1061