



EPP UPDATE
May 30, 2018

To our members:

As reported in the last EPP Update of April 30, 2018, two lawsuits were filed against the Department of Education's bid containing the EPP by 17 companies, most of whom are having their work bid out. One lawsuit is in State Court and hearing the case is Judge Rakower and the other in Federal Court presided by Judge Garaufis.

We are happy to report that on May 25, 2018 Federal Court Judge, Nicholas G. Garaufis rendered his decision rejecting the bus companies' arguments that the EPP are unlawful and denying the bus companies' motion for a preliminary injunction.

We call your attention to the following language on page 18 of Judge Garaufis' decision.

.... nothing in those documents contradicts the DOE's claim that it included the New EPPs to "facilitate labor peace, minimize the threat of withdrawal liability assessments that might deter prospective bidders, and attract and preserve a qualified and stable workforce."

While this is a major victory for us, we are still awaiting the decision from Judge Rakower of the State Court. We are cautiously optimistic that the State Court Judge's decision will also find that the EPP are lawful.

For those of you who would like to read the entire decision, it has been posted on our website:

atu1181.org

In Solidarity,

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