



September 18, 2007

***FAA Reauthorization:
Protect Workers' Organizing Rights***

Dear Representative:

On behalf of the millions of transportation workers represented by the Transportation Trades Department, AFL-CIO (TTD), I write to urge you to reject any amendment to strike the "Express Carrier" language in the FAA Reauthorization Act of 2007 (HR 2881) when it is considered by the full House.

When the Transportation and Infrastructure Committee marked-up the FAA bill, it adopted Chairman Oberstar's Express Carrier amendment by a vote of 51-18, with 14 Republicans voting for it. There is simply no reason to subsequently change the bill and deny package delivery workers the right to form and join a union.

Under current law, FedEx has managed to argue that virtually its entire workforce, including its thousands of truck drivers, mechanics and other employees, are covered by the Railway Labor Act (RLA) for purposes of labor-management relations. The RLA is designed to cover workers and employers in the aviation and rail industries, but FedEx has convinced some regulators that its ground personnel are in fact aviation workers. This legal fiction not only defies credibility, but creates an uneven playing field in this highly competitive industry.

Other package delivery companies including FedEx's chief competitor, UPS, are covered by the National Labor Relations Act (NLRA) for their truck operations. This distinction is not an insignificant legal nuance. It is much more difficult for workers to organize under the RLA because it requires a coordinated organizing drive company-wide. As a result, the majority of the employees at each FedEx facility, for example, would have to choose union representation at the same time. Under the NLRA, these workers would be permitted to organize at each site individually. FedEx has spent millions of dollars in lobbying and legal fees to preserve this questionable classification as a means of shielding itself from any efforts by its trucking unit employees to form and join a union for purposes of collective bargaining.

There is no legitimate public policy reason why truck unit personnel should be classified as aviation workers and thus covered by the RLA. The only rationale is based on one company's desire to unfairly deny its workers the right to organize a union. This double standard is grossly unfair to the employees of FedEx and creates a competitive disadvantage for FedEx's competitors.

On behalf of transportation labor, I urge you to reject any amendment to strike the "Express Carrier" language in the FAA Bill. If you have any questions about this amendment please contact me directly or Elizabeth Baker at 202/628-9262.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Wytkind', with a stylized flourish at the end.

Edward Wytkind
President

Transportation Trades Department, AFL-CIO

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