



March 2, 2009

**Vote NO on any Amendment to Strike the Express Carrier Provision
from the FAA Bill**

Dear Representative:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I urge you to reject an amendment expected to be offered by Representative Cohen (D-TN) to strike the "Express Carrier" language from the FAA Reauthorization Act of 2009 (H.R. 915) when it is considered by the full Committee in mark-up this week. This provision would ensure that ground workers at FedEx are no longer misclassified as aviation workers for the sole purpose of allowing the company to deny these workers the right to join and form 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, however, FedEx has convinced some labor boards and courts 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 ground employees (i.e. truck operations). This distinction is significant. It is far more difficult for workers to organize under the RLA than it is under the NLRA. The RLA requires a coordinated organizing drive company-wide. For example, a majority of the employees at each FedEx facility 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 simply no public policy reason why truck unit personnel should be classified as aviation workers and thus covered by the RLA. The only rationale is one based on a 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. H.R. 915 includes language that would finally address this problem and ensure that all express carriers are covered under the RLA for its aviation workers and the NLRA for its ground employees. It is significant that this language was specifically considered by the Transportation and Infrastructure Committee in 2007 as an Oberstar amendment to the FAA bill and passed 51 to 18. There is simply no reason to now change course and deny these workers the fair right to chose union representation.

Transportation Trades Department, AFL-CIO

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Edward Wytkind, President • Patricia Friend, Secretary-Treasurer



On behalf of transportation labor, I urge you to reject Representative Cohen's amendment to strike "Express Carrier" language from H.R. 915. If you have any questions about this amendment please contact me directly or Mia Clarkson at 202/628-9262.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Wytkind". The signature is stylized with several loops and a long horizontal stroke at the bottom.

Edward Wytkind
President