

UPS and FedEx spar over labor bill in Congress

By HEATHER CLARK
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FedEx Corp. and UPS Inc. officials argued Tuesday for the first time face to face about whether a labor bill pending in Congress would create a UPS monopoly or an even playing field for all package delivery companies.

The shipping giants squared off over the federal legislation at a Greater Albuquerque Chamber of Commerce meeting. FedEx had asked to speak at the meeting as part of its national campaign to advance its position on the bill. Chamber officials agreed to hear from FedEx as long as UPS could also have an opportunity to speak.

A provision in the House version of the bill would switch FedEx Express employees to the jurisdiction of the National Labor Relations Act from the National Railway Labor Act.

The Railway Labor Act is designed to minimize strike interruptions to railroad and airline transportation. It allows workers to organize, only if all workers vote on a union at the same time, a requirement that has been a roadblock to unions that could not afford national organizing campaigns.

Malcolm Berkley, a public relations manager for UPS based in Washington D.C., said about 50,000 FedEx Express drivers are not covered under the Labor Relations Act. They represent an anomaly in the package delivery industry even though they do the same job as other drivers.

"What it's really about is equal treatment of drivers under the law. A driver is a driver is a driver," he said.

Berkley said FedEx salespeople have used the company's legal position to sell their business as being more reliable.

"The only question that's being asked in Congress is why should one company have a legislative advantage over everyone else in this industry," Berkley said.

Maury Lane, FedEx's director of corporate communications at the company's headquarters in Memphis, Tenn., said the disagreement is about UPS trying to put a monkey wrench into FedEx's successful business model. "We're not going for it and we're going to fight it every way we can," Lane said.

Lane told Albuquerque businesspeople that should the provision pass, it could lead to a monopoly of the 102-year-old UPS, raising prices and reducing choices for consumers. He said the provision would affect about 100,000 FedEx Express employees.

FedEx Express' nearly 5,000 pilots are the only employees that currently have a union. The company has a total work force of 280,000, which includes independent contractors.

UPS, based in Atlanta, has about 415,000 workers worldwide; more than half are union members and most of those are members of the Teamsters.

The Federal Aviation Administration Reauthorization Act of 2009 is pending in a Senate committee.