

May 30, 2006

Teamsters Hope to Lure FedEx Drivers

By [STEVEN GREENHOUSE](#)

NORTHBOROUGH, Mass. — The FedEx drivers here were growing bitter, with some complaining that management had strained them to the breaking point by assigning them 150 home deliveries a day.

Eager to improve matters, they looked to join the Teamsters. But although their numbers are small — just two dozen — the drivers' fight could have tremendous import for two powerhouses: the Teamsters union, which hopes to deliver on its promise to unionize far more workers after breaking away from the A.F.L.-C.I.O., and FedEx, which has millions of dollars at stake in defending its claim that the drivers are independent contractors and have no right to unionize under federal law.

The fight in this quiet suburb of Worcester pits one of the nation's most powerful unions against one of the most successful companies, a company where not one of its 60,000 drivers is unionized.

"FedEx is an important target for us," said [James P. Hoffa](#), president of the International Brotherhood of Teamsters, which sees its effort here as a first step toward its goal of organizing the nearly 15,000 drivers in the FedEx Ground division. FedEx Ground, which delivers packages to homes and businesses in one to five days, is separate from FedEx's overnight air-delivery operation.

FedEx says that the union push is an anomaly and that the majority of the drivers are happy and oppose unionization. Mr. Hoffa, pointing out that the company has dismissed many union supporters here and elsewhere, says FedEx is using "anti-union tactics that come out of the 1930's."

Maury Lane, a FedEx spokesman, said: "The Teamsters will do and say anything to increase membership and revenues. We have nearly 15,000 ground contractors who go to work every day, make good money and serve our customers well. Something is very right about that or they wouldn't be doing it."

The Teamsters and many drivers say FedEx's argument that the drivers are independent contractors is disingenuous nonsense. They say treating drivers as contractors saves FedEx hundreds of millions of dollars. It means that FedEx does not have to pay Social Security or workers' compensation taxes, and that the drivers, not FedEx, pay for the trucks, repairs, gasoline and tires.

Other prominent companies, including Microsoft, Verizon and Hewlett-Packard, have been entangled in major disputes over whether workers are contractors or employees. FedEx is the defendant in a multistate class-action suit accusing it of misclassifying its drivers as contractors to force them to absorb costs that employers often handle.

"FedEx is attempting to prevent its drivers from receiving the benefits that employees receive under the law, including laws that bar discrimination on the basis of race, sex, disability or other characteristics," said Shannon Liss-Riordan, a Boston lawyer who has sued FedEx on behalf of several drivers who were dismissed after becoming sick or injured.

Rejecting FedEx's position, the Boston office of the National Labor Relations Board has ruled that the drivers are employees and can vote on whether to unionize. But FedEx, which is making plans to appeal, maintains that the drivers are akin to independent businessmen because they make large investments in equipment — their trucks — and can choose their hours, hire helpers, build up their routes and sometimes buy additional routes.

"The independent contractor model has been in place for more than 20 years," said Perry Colosimo, a FedEx Ground spokesman. "It's a model that is common in the transportation industry. It's a model that works for the company, the contractors and the customers."

But Bob Williams, who led the unionization drive, says the model does not work for the drivers. Like many, he was lured to FedEx by advertisements that said "Be Your Own Boss" and talked of earning \$55,000 to \$70,000 a year.

After he began, Mr. Williams said, he felt like anything but his own boss. "They have complete control over my day," Mr. Williams said. "I have to wear their uniform, buy their truck and use their logo. I have to buy insurance from them. I have to do the route they tell me to do and make the stops they tell me."

Mr. Williams was also disappointed by the pay, the lack of health benefits and assignments to unfamiliar routes. He said he grossed a maximum of \$62,000 a year but netted only \$30,000, despite 60-hour weeks. Out of his gross, he had to pay for his truck, insurance and gas, and a company-supplied package scanner.

Not long after 21 of the 23 drivers in Northborough petitioned last fall for an election to join the Teamsters, FedEx dismissed five union supporters and six others quit, with several complaining that managers had made their lives unbearable.

"They started to harass and intimidate everybody," Mr. Williams said. "Some people they tried to starve out. Instead of giving 120 to 130 packages, they cut it to 60 or 70 to reduce the money."

Ken Flynn, a pro-union driver who was dismissed, said that after the unionization drive began, management added six managers to the three already there. The new ones, he said, spent much of their time speaking out against the union. FedEx says the new managers were assisting with the holiday rush and helping to transfer the operation to another terminal in Northborough.

To sway the drivers, FedEx prepared a 25-minute DVD that accused the Teamsters of being incompetent and violent.

Edward Prestas, a FedEx Ground driver who opposes unionization, said he felt like an independent businessman as he sought to expand his volume by encouraging businesses along his route to use FedEx Ground instead of UPS.

"Unions at their inception were great," Mr. Prestas said. "They helped many people out of poverty. But now they drive costs up for most products and they hurt productivity."

The Teamsters fear that FedEx Ground is undercutting UPS, which employs 250,000 Teamsters and treats its drivers as employees, paying them \$50,000 a year plus benefits.

Last December, Mr. Williams hurt his back lifting a package. Eight days later, FedEx fired him, saying he had breached his contract by failing to find a replacement to handle his route while he was injured.

Gabriel Dumont, a Teamsters lawyer, said Mr. Williams was dismissed because he had led the union push. Mr. Williams said he had been in too much pain and on too much medication to find a substitute driver. He said the two replacements FedEx had proposed were incompetent.

Union officials say that during recent organizing drives at FedEx Ground terminals in Barrington and Fairfield, N.J., more than a dozen union supporters were fired. FedEx insists that nobody was dismissed for backing a union.

The National Labor Relations Board scheduled an election at the Northborough terminal last Feb. 22. But the board postponed the election indefinitely when the union filed charges the day before, accusing the company of illegally retaliating against pro-union drivers.

"The union didn't want a vote because they knew they were going to lose," said Mr. Colosimo, the FedEx spokesman.

Michael Hogan, a Teamsters organizer, argued that FedEx had made a fair vote impossible by terminating or pushing out 11 union supporters while bringing in a dozen new drivers.

"FedEx poisoned the atmosphere," Mr. Hogan said.

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