

RULES AND PUBLIC POLICY COMMITTEE

DATE: October 13, 2009

CALLED TO ORDER: 5:32 p.m.

ADJOURNED: 5:45 p.m.

ATTENDANCE

ATTENDING MEMBERS

Robert Lutz, Chairman
Bob Cockrum
Monroe Gray
Barbara Malone
Marilyn Pfisterer
Lincoln Plowman

ABSENT MEMBERS

Angela Mansfield
Joanne Sanders

AGENDA

PROPOSAL NO. 256, 2009 - calls upon the hospitality industry to reduce the negative impact of outsourcing jobs on the community
"Postpone" until November 4, 2009 Vote: 6-0

PROPOSAL NO. 378, 2009 - supports FedEx Express operations and the City of Indianapolis
"Do Pass As Amended" Vote: 5-1

RULES AND PUBLIC POLICY COMMITTEE

The Rules and Public Policy Committee of the City-County Council met on Tuesday, October 13, 2009. Chairman Robert Lutz called the meeting to order at 5:32 p.m. with the following members present: Bob Cockrum, Monroe Gray, Barbara Malone, Marilyn Pfisterer and Lincoln Plowman. Angela Mansfield and Joanne Sanders were absent. General Counsel Robert G. Elrod represented Council staff. Councillors Dane Mahern and William Oliver were also in attendance.

Chairman Lutz asked all members to introduce themselves and indicate which areas of the county they represent.

PROPOSAL NO. 256, 2009 - calls upon the hospitality industry to reduce the negative impact of outsourcing jobs on the community

Councillor Plowman moved, seconded by Councillor Cockrum, to "Postpone" Proposal No. 256, 2009 until November 4, 2009.

Councillor Gray asked the reason for the postponement. Councillor Plowman said that he prepared an amendment today and would like time to review it and make sure it is worded the way he wishes before offering it. He added that there are other committee members absent this evening that he is sure would want to speak to the issue.

The motion carried by a vote of 6-0.

PROPOSAL NO. 378, 2009 - supports FedEx Express operations and the City of Indianapolis

Councillor Cockrum said that this proposal could have been acted on by the Committee of the Whole, but since it deals with public policy, he decided to assign it to the Rules and Public Policy Committee for a complete hearing. He read the proposal and moved, seconded by Councillor Gray, to "Amend" Proposal No. 378, 2009 by deleting the words "be sent" from Section 1 following the word "resolution," as this is a redundancy.

Councillor Malone asked what the adverse affect is on FedEx due to this action by Congress. Chairman Lutz said that the motion on the floor is simply to amend at this time, and he will entertain questions on the full proposal once that amendment has been decided. The motion to "Amend" carried by a vote of 6-0.

Councillor Cockrum said that the Railroad Act indicates that the employees of FedEx belong to a nation-wide union, so if there is a work stoppage, it has to be voted on by the nation-wide membership. FedEx wants to continue to operate the way they have been operating. Councillor Malone asked if this will only impact FedEx or if it will also

impact their competitors. Councillor Cockrum said that the legislation was actually proposed by FedEx's competition, who are not currently under the Railroad Act.

Councillor Gray asked if FedEx wants to be on a national work order so that no strike or work stoppage can be initiated locally. Mr. Elrod stated that FedEx is currently operating under the Federal Transportation Act, or Railroad Act, where they have only one bargaining unit for all their nation-wide employees, and a labor action has to be called by that one unit. United Parcel Service (UPS) and some of the other shipping companies are under a different act, because they primarily use roadways, and not airways, and they could be in situations where each location is under a separate agreement. Councillor Gray asked if FedEx is already under a national agreement and does not want to be. Councillor Cockrum replied in the negative and said that FedEx wants to stay under one nation-wide bargaining unit, but a proposal that passed through Congress and is now before the Senate would change that status and put them under local authority. He said that FedEx does not oppose union membership, but simply wants to continue to operate the way they have been operating, so that work stoppage can only be authorized by the national unit.

Councillor Pfisterer asked if the competition brought this proposal to Congress in hopes of disrupting FedEx. Councillor Cockrum said that he does not know the reason for them bringing forth the proposal, but it was FedEx's competition that brought forth the legislation.

Councillor Cockrum moved, seconded by Councillor Plowman, to send Proposal No. 378, 2009 to the full Council with a "Do Pass As Amended" recommendation. The motion carried by a vote of 5-1, with Councillor Malone casting the negative vote.

Councillor Oliver stated that he does not know if he can support this, as it may impact other unions and collective bargaining as a whole. He said that he would like to see more information. Chairman Lutz said that the proposal references the FAA Reauthorization Act of 2009 (House Resolution 915), and he encouraged Councillor Oliver to research that resolution before the full Council vote. Councillor Cockrum said that this act is a very lengthy document, and there is just one small portion of the act with which FedEx has an issue. Councillor Oliver said that he will discuss this with local union officials for their input before the full Council vote.

There being no further business, and upon motion duly made, the meeting was adjourned at 5:45 p.m.

Respectfully Submitted,

Robert Lutz, Chairman