

Court Issues Decision Regarding FedEx Drivers' ERISA Claims

On June 28, 2010, the Court ruled that Plaintiffs must first exhaust their administrative remedies before pursuing their ERISA claims. Plaintiffs had asserted that, as employees of FedEx Ground, they are entitled to the same health, retirement, and insurance benefits as other FedEx Ground employees. According to the Court's decision, the ERISA claims may be re-asserted once plaintiffs have sought administrative review of their claims for benefits. According to Lynn Faris, one of the lead attorneys for the plaintiffs, "We intend to immediately begin the administrative review process. If our administrative review is denied, we plan on refiling this claim with the Court."

This is the second decision that Judge Miller has issued in response to motions filed by plaintiffs and by FedEx Ground to summarily resolve issues in the sixty three cases consolidated before the Court. The Court recently decided that FedEx Ground drivers in Illinois were employees, and not independent contractors, pursuant to Illinois statutes. The remaining motions for summary judgment are pending. Those motions pertain to the question of whether FedEx Ground and Home Delivery drivers are employees or independent contractors.