

TRANSACTIONS OF CONVENIENCE

“Food for thought---

Why aren't the Branches or State Conferences in your areas helping in your concerns with UPS?”

Mr. White's question is valid and one that is frequently asked when stories are told such as Randy Olsen's, Charlie Engel's, Rob Moorhead's, Doug Chapman's, Dan O'Shea's and many others and the perfect reply is the scene straight from the movie, *The Pianist*.¹

The Nazi soldiers entered into a house where a Jewish family lived while they were sitting down enjoying their dinner. The Nazis made them stand up and show them respect, and since their grandfather was in a wheelchair, *it was impossible for him to stand up*.

The Nazis picked up the poor elderly man's wheelchair, took him to the balcony, threw him out of his wheelchair and over the balcony and the impact of his skull cracking open on the cold Polish sidewalk.

His family crying and screaming, the Nazis laughing and clapping in triumph echoed down the street for all to hear. The corpse of the crippled body remained for all to see.

When systems are built and reach a certain established order, no longer is the building of such a system the goal, the maintenance of power and control becomes the absolute goal.

The Nazis' didn't fear the old crippled man in the wheel chair. They feared the loss of power and control. The mere act of tossing the old man out the window was simply an act to send a message. A message of brutal intimidation, to enhance the fear among the masses they controlled to retain their power.

There is no question of right or wrong in systems such as these. There is no question of “help”. The system has been created, now only to be maintained.

The act of a cripple thrown out the window was simply another in the long line of messages.

The dead crippled corpse was a message sent.

The acts of discharges across the country, such as Randy Olsen's, Charlie Engel's, Rob Moorhead's, Dan O'Shea's and many others are nothing but a long line of messages.

To UPS and the Teamsters, there is no question of right or wrong. Terminations are messages sent.

Aid minorities in their struggle in such a system, termination.

File a workers compensation claim, termination.

¹ *The Pianist*. Wladyslaw Szpilman, a brilliant Polish pianist, a Jew, escapes deportation. Forced to live in the heart of the Warsaw ghetto, he shares the suffering, the humiliation and the struggles. Received 7 Oscar nominations, including Best Picture, Best Director (Roman Polanski, who won the award) and Best Actor (Adrien Brody, also a winner). Also received a Golden Globe nomination for Best Picture. Named Best Picture of 2002 by the Boston Society of Film Critics and the National Society of Film Critics.

Aid and assist co-workers in filing grievances, termination.

Aid and assist hundreds of retirees and their spouses to recoup millions of dollars, the deliberate and illegal cutting off of benefits.

No one outside of UPS can understand the real life fear, intimidation, abuses inside Brown and when the stories circulate it's similar to the reactionary disbelief of the whispered rumors of some sort of "camps" in World War II Europe. Those outside UPS just don't see this "darker side of brown".

The following were emails sent to The Darker Side of Brown from existing or terminated employees of UPS. Real life personal stories from around the country can paint the picture best.

The main thread throughout is the retaliation by UPS of those employees who helped and aided to represent employees, were over 40, filed a workers compensation claim or were close to being vested at 10-year, 20-year, 25-year or 30-years. One other critical thread is that the Union did not do its job which will be discussed after the following poignant real life stories.²

Kenny:

"Besides my self, I know two other guys who are presently in a law suit similarly to yours and under an appeal at this time.

I was terminated April 27th, 2005. The grievance procedure took 5 1/2 months, three panels to get sold out by the union [Local 41]. At this point I am still not sure what way to go. I have an unbelievable amount of documentation and tape recordings of discriminatory conduct. The Union did nothing to stop it or did nothing to fairly represent me. Because of all the discriminatory conduct I thought I would have a discrimination case through the EEOC but I am white, male, non-handicapped and have tough time tying in over 40 except 2 or 3 instances.

After reading some of your web site, I thought maybe I could try something similar to yours. You won't believe every thing that has happened to me."

MD:

I was a manger for UPS for 18 years, when I tried to protect some minority co-workers against harassment, UPS terminated me for integrity on some trump'd up charge of me giving out numbers. I can't give out too many details, UPS lawyers and my lawyer are working out details. If this is still on-going, I'll pray you get what you deserve and hope the best for you.

Kenner:

"Under duress and stress to be in and off clock by 730 pm. i was set up to fail from the beginning, because i challenge management on their on proctocol, they are always preaching safety first, but they give you splits and extra pu stops, and have you leave bldg later and later with a bad load, its unbelievable, i know i dont have to tell you,

² The last names of these individuals will remain anonymous. Only with subpoena will these ever be released if available.

enough of that its giving me headache, i am emailing you because i need your help, i know i improperly sheeted those packages wrong, but i know i did not do that as dishonest act, i know the last several months ups div mgr and his staff have been after me, and i can tell just by work and how they allowed my p1300 to go out everyday with me to fail.”

Scott:

UPS tried to fire me in 1997 after the strike and as shop steward was a thorn in their side. I had just taken them to the panel not 4 month ago for stripping me of my seniority and working a casual in a vacant bid job. Now I get involved in a fender bender and its bye, bye, Scotty. They offered me my job back with time served as a suspension but I told no. Maybe that would have been an easier thing to bit but based on UPS behavior is really on a matter of time before they concoct another set of fraudulent causes.

James:

I was fired on 6/27/05 and lost the regional JAC decision on 11/1/05. I was a very active steward that wouldn't back down from the company and basically took them on because others were scared to, including the other stewards. I had caught the Division Manager, Mike Kovatch, presenting statements from employees that were coerced and illegally notarized behind the employees backs. The loss prevention supervisor that notarized the documents said that he was directed to do so against his wishes by Mr. Kovatch. I filed a corporate complaint against him and wrote a letter to Mike Eskew. When this got no action, I filed a complaint with the Indiana Secretary of State's office against the loss prevention supervisor since he is a notary and also against Kovatch since he coerced him into this action.

Since that time, I was constantly harassed by management and threatened. I filed 2 complaint letters about being threatened. One of them was filed against Mike Kovatch on 6/15/05 when during a grievance meeting, he threatened to make me quit shaking my head. Of course nothing was done to him again. I was fired for using the phone on the clock. Which I did do occasionally with the knowledge of my immediate supervisors. My wife had some medical problems and I called to check on her. I also gave my number to many, many employees because I was a steward. On one day when I was out of town, I received 4 calls from work!

The company admitted that there was no policy regarding phone use at all and that they couldn't say for sure which calls I made and which ones were made by others. People have been allowed to use the phones at our hub for over twenty years and no one had ever been fired for using them, even though many, many employees including management employees use them for personal reasons. I got not so much as a warning before being discharged.

I didn't mention all of the past problems I have had with the Local 135 "leadership" in the past. I actually caught them (as part of Joint Council 69) diverting dues money that was to go to the Locals, they voted to divert ALL of the money that was supposed to be returned to the locals to a severance and retirement fund for officers. I wrote letters to them asking why this money was being used in this manner. Eventually the IRB found

out about it and discovered that over \$800,000 was diverted. The only penalty was that they were not allowed to put money into this fund for the next 7 years...And I get fired for using the phone? Also, I filed many more grievances than other stewards and that caused a lot of work for the business agents. I am sure they are happy that their work was cut in half overnight.

Also, I did file a charge with the EEOC for age discrimination (I am over 40). They said the fact that the company fires people that are near retirement isn't something that is against the law. They said all they would have to do is show that they also fire people that aren't close to retirement to combat a charge like that.

John:

I was an employee at United Parcel Service from August 19, 1998 to February 28, 2006. I worked in the Plant Engineering department in Commerce City Colorado as a maintenance mechanic. I was terminated for allegedly violating the company dishonesty policy. A supervisor accused me of eating my lunch on company time and not documenting this as a lunch break on my timesheet. The supervisor admitted to not actually witnessing me eating anything but assumed wrongdoing on my part because my lunch dish was seen out in the open in my work area and he also claimed I was chewing on something. This incident occurred on February 18 2006 but I was not confronted at that time. The supervisor waited until February 28 2006 to call me into the office and terminate me for dishonesty. The only proof presented was the supervisor's recollection of the time in question. It was strictly a case of his word against mine. I am sending you this information to let you know that UPS unwritten policy has not changed. That and I am still kind of in shock over everything that has happened. Thank you for your time.

Dana:

Hello, My name is Dana from the Philadelphia area. I read over your web site with much interest. I had a similar situation as yours happen to me in my work area. I also carried a tape recorder with me, when drivers told me to do so. I know of about 6 people that personally carry one. I am a hub employee that worked as a seasonal driver about 6 years ago. I am now a combo employee at night at the PHL facility. My situation did not involve the tape recorder as much as yours did. The way my story relates is that my union basically turned their back just as yours did.

I would love to send you some of my info I have saved of an on-going struggle with management with harassment. I too do see the same treatment of drivers here as you do there. When getting back from an injury, they do get extra work, disciplined for small infractions, and so on. I have witnessed it time and time again. They also just recently came out with this "zero-tolerance for injuries" and are even reinforcing the fact that they do discipline for injuries. I want to wish you all the best.

Peggy:

I work as a pick-off and with all the camera phones in the lenexa hub I can guarantee voice recordings are not the only thing taken especially the way they put safety after quality and quantity I work for a mean woman that picks at my self esteem every

chance she gets I feel mentally abused, my daughters teachers can tell you first hand how much she has affected me because I bid a job she wanted her favorite to have. So she is prejudice against me and watches my every move for 1 small mistake. Of course you know how well the union backs you up. She said I had mental problems in front of my union steward. And she still climbs my ladder after asking that she avoid me, she busts her butt to say something vulgar. Besides you know with those radios and cameras they have they record us without permission Is my guess, safety for them but not us. Sorry to hear you dedicated your life to a company that's not really caring for their employees. The Japanese and Germans take care of their workers instead of asking them to work injured instead of filing injury reports.

Randall:

My name is Randall, you might otherwise know me from Teamsters.Net as [omitted]. I too was once an employee of UPS and although I had not the time vest in the company you had nor attain the position of a full time driver, the company's management had issues with what I came to represent because I challenged the unsafe processes allowed to exist in the preload operation long before the PAS system became introduced. I made generous use of the grievance/protest letter process and it soon became recognized by the company that the steps I was taking were not in vain. There was a method to the madness of the things I did. Nevertheless, the basis of my termination also was that I was suspected of having a camera in my possession. Their concern as to whether I had a camera was due to the ongoing complaints of egress which had been an ongoing issue I raised.

Leo, Reimbursement Specialist:

I am emailing you from Las Vegas, Nevada.... I just found your website and I was wondering if you have any knowledge or know of any UPS employees who claim they were recently terminated or discriminated against by UPS management due to their age... I know an individual who was recently terminated from UPS and it is his opinion that his age was a factor in his unexpected termination... I told him if he could find one or more UPS employees who felt they were terminated by UPS management due to their age maybe he could file an age discrimination claim against the company... He is not Internet savvy so I told him I would search the Internet for him to see if could find any other UPS employees with similar complaints.... I did a Google & Yahoo search for "United Parcel Service Employee Complaints" and that is how I found your website...

Sheridan:

I went to a doctor in Aug - scheduled by MY lawyer - who's report was that my injury was work related and I was not back to 100%. He gave me a 15% impairment rating and recommended that I went through physical therapy and did not recommend that I return to work at UPS....both of the UPS doctors report that my injury was not work related and I am fine-there is nothing wrong with me. Needless to say the union is still of no use to me. I received a '72 hour notice' from UPS early Sept. My union rep told me that they should have not sent that to me and to not worry about it. I did worry about it and hand delivered the medical information they were requesting myself to the night mgr at UPS. Hopefully that was good enough. I met the mgr in the guard shack and asked to have a union rep come out as my witness that I was giving them the

information but he would not call anyone for me - he said 'Oh you can trust me". As far as on a day to day basis - my daughters are both staying with their dad in Lexington right now while my 4 yr old son and I are in London. We are looking for a place to live. I hope to have a place to live, a job and all 3 of my kids with me by the end of the month. Thanks for everybody's interest and concern. Will keep you updated.

Dawn:

"It really frightens me to know that they can screw with your life like that and get away with it. I told someone how concerned I was about my job security and they said I was worrying for nothing. That I have no warning letters in my file and have never been taken up to the office before but the truth is that [manager] scares me, even if I were to lose my job for a week it would create a great deal of financial trouble for me. I am the sole provider for 5 people, I have no savings, it would cripple me."

Eric:

Dan, I am an attorney in the Philadelphia area. I represent a client who was fired after a 27 year career with the company. They claim he quit and refused to return him to work. This came to a head over a disagreement about what his job responsibilities were. Interestingly, this occurred after he was transferred to a job 3 hours from where he had been working. He was in a supervisory/management position. I suspect that the company was trying to get rid of him because of his age and tenure with the company. Any information that you have that may be helpful would be appreciated.

Sandy:

I just found your web site and after reading it I was very upset. My husband has worked for UPS for 26 1/2 years. In January of 2005 he had a roll away accident. The accident caused no monetary damages, and the truck rolled away and hit a bush. Because of it being one of the cardinal sins, he was terminated and 1 month later he went to panel. In the panel, both union men voted against him and his so called "union rep" did little for his representation. Since his termination we have found out that there have been two drivers at UPS that have gotten their jobs back after a roll away accident . One of the drivers had gotten his job back twice, both times for a rollaway accident. We also found out that UPS replaced the break in truck the day after my husband was terminated, this was told to the union rep Ralph Tudor; nothing was done. He paid union dues for 26 1/2 years for nothing. What ever happened to the so called "Brotherhood" and the union sticking up for you? My husband is 48 years old and was only 3 years away from his retirement. We were told the guys that were not discharged for their accidents were in their 20s. After reading your story, I had to share mine with someone that feels as bad towards UPS as I do.

Naberinc.org:

Couldn't make up this; "One For The Books Story"

In my humble opinion, this story is one that no one promotes, cares about, or cares to hear. This type of action seems to be becoming more and more the rule rather than the exception and apparently very prevalent in society today.

Picture this... a 45 year old female driver out on her route on 09/16/ 2003 at 11:04AM, doing her job the way she was trained when she is pinned between two (2) cars by a careless driver, injuring her so bad that she'll never be able to perform the same delivery duties again. The impact was so strong that four (4) other parked cars were damaged.

Fast-forward... after numerous surgeries and much pain and anxiety she is told by her employer that they do not have a position she qualifies for. Her union is of no help! The company treats her like a disposable piece of meat after over twenty (20) years of dedicated service by telling her they have no jobs she can do.

In this day and age, how could she not be properly taken care of ? During my employment, this same company gave a job for life to a gentleman who lost an arm in one of their conveyer belts at the Jefferson St. Hub in Chicago, IL. This company also found other permanent jobs for injured drivers on workman's compensation at various Hubs and Centers. They also found other work for drivers who lost their CDL'S because of too many traffic citations and a couple of convictions for DUI'S.

As Paul Harvey was fond of saying... "And the rest of the story is;"

The careless driver who hit the gas pedal instead of the brake was Gregory Johnson, a manager working for UPS, driving his own personal car doing company business. I understand he has been promoted since. The injured forty-five (45) year old woman package car delivery driver was Fran Whirl, of Noblesville IN, (IBT Local 135) who was/is apparently expendable.

One can only wonder if the owners of the four (4) other damaged parked cars were compensated or if someone declared this thoroughly avoidable incident (accident) an act of GOD or some other such feeble excuse and ill-logic.

At this point, the question should be asked again, *"Why aren't the Branches or State Conferences in your areas helping in your concerns with UPS?"*

The answer is that the concerns are merely UPS' and the Teamsters' transactions of convenience.

Many an employee is thrown to the trash heap called The Panel on drummed up charges after filing workers compensation claims, saving UPS millions in compensation benefits and then having the ability to hire new, younger men and women to abuse until they in turn are injured and can no longer run and skip their hour lunch.³

In turn, many an employee is thrown to the trash heap called The Panel on drummed up charges nearing vested years, saving the Teamsters millions in retirement and health & welfare benefits.

It's a very neat, cold and calculated system. Not all employees have to be "done away with", so as to keep under the radar scope of public opinion, the courts, the EEOC, ADA and any other entity.

³ Each skipped lunch period saves UPS over \$7,000 per year in payroll expenses. Add that up nationally and an "unseen" policy to target injured workers who can't skip their lunch period is not unreasonable to understand.

A system that conveniently serves two purposes, one, UPS and the Teamsters only have to fire a certain percentage to save millions. Second, the targeting of those who filed injury claims, near vestment years or “reformers” in the system sends the convenient message, “File a claim, take your lunch, file grievances and we can, and will take your retirement and your benefits.” A most effective way to send a message.

The Panel system is the tool and method used for their “final solution”.

An employee is terminated. His BA by well established labor law can err, make mistakes, forget, go through the motions and ignore the basic critical issues of the employee’s defense and still withstand any employee’s lawsuit claiming the failure of the Union’s duty to represent.

At the Panel, three UPS managers and three Teamster officials will determine the employee’s fate. In most instances, cases lost are because one or more Teamster officials ruled against the employee. Rarely do the UPS managers rule in favor of the employee.

During the hearing, many times UPS claims violation of a policy never seen and rarely does the Teamster BA or Panel ask to see the policy. All parties know to well under labor law policy must be bargained. They know too well that to ask to see such policy they would be sentencing themselves, for they know they bargained no such policy.

At the end of the hearing, the employee is always asked, “Do you believe the Union represented you fairly?”

It’s a loaded question, much like the Nazis asking the cripple to stand up out of respect for them. The employee, to say no, almost invariably signs his own death warrant, termination, labor’s version of capital punishment.

No one can understand the pressure of having to stand in front of a Panel, thinking of one’s spouse and children, knowing they want your job because of an injury, or close to retirement, or a “reformer” within the union and to have any chance at all you must tell the Panel itself, consisting of three union members that the union didn’t do its job.

For the employee to say yes, almost invariably again signs his own death warrant. Both parties now will be relieved of any Federal lawsuit. The case will be dismissed because the employee agreed at the time that the Union fairly represented him.

The best part about the UPS, Teamster Panel system is that it is so “clean”.

The Panel System is the representative, the judge, the jury and the executioner and there is no appeal. The arbitration system is the only system in America that has no right to appeal.

American judicial systems have been built upon a person’s inherent right to an appeal process.

UPS and the Teamsters make sure this does not happen. It can’t happen in a system that must be maintained. Of course parties can collectively bargain to allow for an appeals process, but they don’t.

If an appeal system were designed, they would be unable to maintain their method of control, fear, abuse, harassment. It would destroy their cooperative effort to rid themselves of those filing workers compensation claims, injured workers, aged workers, “reformer” workers aggressively helping others to work in safe environments and free from intimidation and abuse.

One powerful article explains this “convenient” relationship between UPS and the Teamsters, written by Gregory A. Butler, *Behind The Brown Curtain* linked on www.thedarkersideofbrown.com.

The following story aptly applies to the question “*Why aren't the Branches or State Conferences in your areas helping in your concerns with UPS?*” The man in the story could just as well be the members sitting on the UPS/Teamster disciplinary panels, terminating older employees due retirements, welfare or workers compensation.

Several weekends ago, Mr. Panel was rushing around trying to do some Valentine's Day shopping. Mr. Panel was stressed out and not thinking very fondly of the weather right then. It was dark, cold, and wet in the parking lot. As Mr. Panel was loading his car up, he noticed that he was missing a receipt that might be needed later. So mumbling under his breath, Mr. Panel retraced his steps to the mall entrance.

As Mr. Panel was searching the wet pavement for the lost receipt, he heard a quiet sobbing. The crying was coming from a poorly dressed girl of about 12 years old. The girl was short and thin. She had no coat. She was just wearing a ragged flannel shirt to protect her from the cold night's chill. Oddly enough, she was holding a hundred dollar bill in her hand.

Thinking that she had gotten lost from his parents, Mr. Panel asked her what was wrong. The little girl told Mr. Panel her sad story. The little girl said that she came from a large family. She, the oldest, had three brothers and two sisters. Her father had died when she was 7 years old. Her mother was poorly educated and worked two full time jobs. She made very little to support her large family.

Nevertheless, she had managed to skimp and save two hundred dollars to buy her children some Valentine's Day presents (since she didn't manage to get them anything on Christmas). The young girl had been dropped off, by her mother, on the way to her second job. She was to use the money to buy presents for all her siblings and save just enough to take the bus home. She had not even entered the mall, when an older boy grabbed one of the hundred dollar bills and disappeared into the night.

"Why didn't you scream for help?" Mr. Panel asked. The girl said, "I did." "And nobody came to help you?" Mr. Panel queried. The girl stared at the sidewalk and sadly shook her head. "How loud did you scream?" Mr. Panel inquired. The soft-spoken girl looked up and meekly whispered, "Help me!" Mr. Panel realized that absolutely no one could have heard that poor girl's cry for help. So Mr. Panel grabbed the little girl's other hundred and ran to his car.

As of now, the workers cries are not being heard, they have no help, and UPS and the Teamsters are gladly grabbing many of the one-hundred dollar bills.

Dan O'Shea

danoshea@thedarkersideofbrown.com

www.thedarkersideofbrown.com