

CD _____ Track _____ & Track _____

Peggy's Remarks
Dated: January 27th 1999
Time: 8:07 a.m.

A.

* Peggy: I wanted to let you know I never wanted it to go as far as it did. I'm not like that you know. I just...

Ron: I told Peggy when she handed her statement to Jim Deidel 12/31/98 Time Eight o'clock a.m. Thursday morning—I told Peggy, I had a talk with Jim Deidel after you gave your statement to him. Jim Deidel told me: "Just stay clear of her, don't even talk to her, and don't do anything else with her."

(Deidel telling Peggy to stay clear from me. Her response was :)

* Peggy: Well, yea, but, I told him that I don't want to. That's not me first of all... um, we need to talk and second of all I like you! You see! I mean I thought you called me a bitch, and God dam it, I just, it pissed me off!

Ron: I explained to her that I wasn't calling her a witch or a bitch. I was just joking with her because of her disposition.

*Peggy: You know I almost lost my job. Well, I almost lost my job because of you.

Ron: Why?

Peggy: I almost lost my job, that's what they were in there for, because they were trying to figure out what they should do with me, because I touched you.

B.

Peggy continued to explain, "In the code and Ethic book, I'm not allowed to touch you!"

Ron: I didn't think they did anything to you!

Peggy: Yes! "She laughed, then said" yes!

Ron: You see what their doing?

Peggy: That's what I say... I say: God dam it, you encourage me to write a letter and then end up fucking me!

Ron: Peggy you know they will do that. You know that from the hub!

Peggy: Well, now I'm a ... I'm a little smarter about that now; you know? Yea!

Ron: I didn't know any of this now. They're playing...

Peggy: Yes! Somebody told them that I touched you and they _____ somebody told them that. (Driver Mark Byers)

Ron: I thought you were coming after me!

Peggy: I wasn't I almost lost my job! Yes! I couldn't believe it. I don't want you to leave! We got enough fucking problems to worry about without worry about each other. And I never changed, I'm _____ talk to you; nothing's changed in me!

C.

Ron: That's because Deidel told me to stay away from you! Don't come up to you! That's why it's confusing: Why you would come up and talk to me.

Peggy: Well, we can either... to work; we have a job to do!

Ron: Who encouraged you to write that letter?

Peggy: Well, _____ somebody that _____ because Jerime Jerome or what ever the hell in Human Resources. I said I didn't want it to go to anybody! Next thing I know here comes fucking Human Resources people coming down.

Ron: Did Jerome encourage you to do something that you didn't want to do?

Peggy: Well, course, they told me this is what needed to be done, you know?

Ron: But you didn't think it was necessary?

Peggy: Well, no, I never wanted it to go to Human Resources!

(Ron: Then in our conversation Peggy seemed quite confused and frustrated in how this matter got out of control.)

Peggy: I wanted it over. All I want...all I wanted for them to tell you not talk to me like that. That's all. And for you not to...not talk to me.

D.

Continued...

Not, and that I didn't want you to call me a bitch. I thought that's what you...

NOTE: As Peggy was stating this matter in the sentence above, I was saying at the same time...

Ron: Were you having a bad day that day, because I just came in. I was seeing all the Air's sitting down there...

Peggy was saying this as I was asking her about having a bad day...

Peggy: No, I was having a good day, and that's why I didn't understand it. But, through the whole thing I never wanted it to get this, they threw this all out, they ____ it. I didn't do this.

Ron: That's what I need to know!

Peggy: Yes. I wouldn't do that. And I was pissed because why the fuck did you go to Human Resources that's what I asked Jim. He said: "I didn't go. I'm lying about it. Somebody above me talked. It ended as of your situation".

Or... it ended out of your situation, and felt that it was necessary!

Ron: Who said that?

Peggy: Somebody caught wind of this situation.

Ron: Who told you that?

Peggy: That a ... I don't know...

Ron: The black guy?

Peggy: The black guy that was in the office. They said that it caught wind of um everything and they thought it was necessary. Will, um take over from here. Because of him, they escalated way out of proportion, and I had nothing to do with it. I didn't do that! I never wanted you fired.

E.

I never wanted anything to happen. All I wanted is you not to talk to me like that.

Ron: Would you testify that in a letter?

Peggy: I can't!

Ron: Why?

Peggy: That's what got me in trouble in the first place... a letter.

(NOTE: she laughed when she made this remark. As if she was taken advantage of.)

Ron: No, no, the thing is... Peggy if this goes to court - - you would be called into court anyway!

Peggy: Well, and then at that time I would have to tell the truth. I'd like that to be...

Ron: Would you rather do that, or would you rather give a letter?

Peggy: No, I mean... I can't. Because I'd ... don't you understand? I don't even want to get involved.

Ron: Well, yes!

Peggy: I didn't want... I never wanted this in the first place. All I wanted you is to _ _ _ _
_ approach you _ _ _ _ my hand.

F.

Ron: If you put that in your letter you wouldn't have to... then that would free you from
this burden. That's what I'm saying!

Peggy: Well, I know but unless, I mean that would mean that I'm volunteering you
giving.

Then I think Peggy said, "You know what I mean?"

Peggy: And that's my duty to _ _ _ _ _ you, right?

Ron: Yeah... ok, that's all I wanted to know!

Peggy: You understand that?

Ron: Yea! That's fine.

Ron: I said something not clear on tape or CD...

Peggy commented: No, but please don't ever think that. I don't have it out for nobody. I
just want to come to work and do my job. And, I'm sorry if I came on to you like
wicked-step-mother.

Ron: no. Person found out like they wanted to fire me!

* Peggy: NO! And I never wanted any of that! I told them to leave him alone! They're
the one's that wouldn't leave it alone.

G.

Ron: The only reason why they try to come after me because of what happened to me
five months ago, unfortunately, when I got fired.

Peggy: Yes, yes!

Peggy: I think that's what got them heavy and hot about the union. This had nothing to do with me so I don't _____ to me.

Ron: That's illegal. Do you see what I'm saying?

Peggy: Yes!

Ron: That's not right!

Peggy: Like I said, I never wanted it to happen.

Peggy said something like, "It's not what I need."

Ron: Well, when I saw you in the office talking to Pat that same day it happened, it made it look like that you were complaining.

Peggy: No...!

Ron: Then I came back from my deliveries when you did; you were back before me that's why I was wondering why you were in the office?

* Peggy: NO! They pushed me, I never asked for it!

H.

* Ron: Was it mostly Jim Deidel and Pat?

* Peggy: Yes!

Ron: Vince didn't have anything to do with this?

Peggy: No, not really... No.

Ron: I didn't think so.

Peggy: No, No!

Conclusion of what transpired on the day of the incident:

The day of the incident between Peggy Alley and Ron Kalkhorst: Ron's explanation of why he approached Peggy about her air packages sitting down with Ron's packages that day. NOTE: There were a lot of air packages when Ron came in that morning. Peggy was doing other air packages off of other drivers for that week. Supervisor: Pat Tharan had her doing this. The Aurora Center Management did not communicate with Ron about Peggy delivering her own air packages since she was to continue helping other ground driver's with their air packages. Aurora Management was not clear with Ron in delivering all the air packages sitting down by his Van or would they provide Ron some help and get the packages delivered before 10:30 a.m.? Ron would always come in either at 7:30 a.m. or 7:45 a.m. even though Ron's start time was scheduled at 8:00 a.m. in the Aurora Center. Most of my time Ron came in early and worked off the clock before his start time eight o'clock a.m.

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- I. Ron has been an OCA-Driver for the past five years. Ron's last three years was delivering air packages early a.m. as an OCA- driver in the downtown center and most of the time an OCA-driver in the Aurora Center. Ron has had nothing but problems in the Aurora Center when it involved mistreatment and harassment due to filing grievances over his payroll issues involving handling ground packages and not being paid ground rate in all the hours he worked for those days according to the Union Contract. The company was known not to honor the Union Contract. Ron had to file grievances because the company had used less seniority employees without consulting first with Ron regarding more time on the clock since Ron had more seniority. Ron had to file more grievances regarding overtime as an OCA-driver

delivering and picking up air packages and helping ground drivers with their air packages. Due to the grievances Ron filed, Ron had to file some grievances regarding harassment concerns creating a hostile work environment for Ron to work in. This involved certain management in the Aurora Center. Ron has been under two of these management personnel for the past three and a half to four years. Pat Tharan was supervisor in the Inverness Center and Mr. Jim Deidel who was a Division Manager over the Inverness center and three other centers at the Companies facility. Pat Tharan was relocated from the Inverness Center over to the Aurora Center before Ron was offered an early a.m. morning part-time air driver position in the Aurora Center after the 1997 Union Contract settlement. Ron was informed that Jim Deidel had been demoted from Division Manager to Center Manager and was moved to the Aurora Center about two and a half years ago. By rumor, Ron was told the reason why Mr. Jim Deidel was demoted. Eric Seaton who worked in the Hub asked Ron: "do you know the reason why Jim Deidel was demoted"? Ron said: No, I don't. Eric mentioned to Ron he had heard that Jim Deidel was demoted for three reasons. Eric said: "One of the reasons had to do with an air driver's payroll problems". Eric informed Ron, he had heard Ron was that air driver who complained and filed grievances regarding his payroll problem issues as an OCA-driver in the Inverness Center. The Rocky Mountain District Manager at that time was Myron Gray.

J.

And now Ron's payroll problems followed him to the Aurora Center where the management happened to be Pat Tharan and Mr. Jim Deidel. And as of this date when this letter was written, 3/11/2000 management agreed to pay Ron for ten or twelve hours

he was shorted. NOTE: Ron has records regarding this matter of the grievance filled back at that time. The company was to compensate Ron for his pay along with four weeks of vacation pay after Ron was terminated for an accident he had on January 20th 2000. The company never reimbursed Ron for those hours. The Union never followed-up on Ron's grievance No. 70293 regarding Ron's payroll nightmares concerning monies illegally taken back out at the backside of Ron's regular payroll checks under his deductions indicating: A/R-weekly and showing the amount the company took back after Ron was owed this amount and paid by a green-check, the company turns around and takes back the amount owed to Ron from his regular payroll checks again. Ron's grievances were filed with the Union before Ron was terminated by the company. Ron filed a claim with The Department of Labor & Employment with (The Wage and Hourly claim Department) along with all of Ron's 1999 check stubs and previous years showing continuous payroll problems under Mr. Jim Deidel and Chuck Dupree who was the Division Manager over the Aurora Center. The payroll problems first occurred in the Inverness Center under Jill Schubert Center Manager, Pat Tharan supervisor, and Mr. Jim Deidel, Division Manager regarding overtime of air package deliveries and pickups. Ron had arrived at the facility and would begin work around seven o'clock, or between seven o'clock and 7:45 a.m. Ron would have his Air's sorted from Peggy's Air's, then Ron would load them into his van in the order they would come off. Ron would punch in...

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K.

Around 7:45 a.m. and 7:50 a.m. and a couple of minutes before eight o'clock Ron would always be there for his Center and other Centers in the past to help with air deliveries, air pickups, ground deliveries and ground pickups. Ron would return to UPS facility, and make other trips out to do late air packages that were missed in the mornings due to late flights and weather problems. Ron would continuously have payroll problems in his center regarding air deliveries and pickups, helping ground drivers with their route delivering ground packages and doing ground package pickups. According to the Union Contract Ron would be guaranteed 3.0 hours a day as a part time OCA driver. Ron helped in other centers delivering and picking up air and ground packages usually in the evenings according to a pickup schedule using a diad board. Ron would work on Twilight in the Hub unloading and doing other jobs. Ron's payroll check again would be short on hours and pay. Ron punched in with a paper time card showing Ron's start time. Then when the shift was over Ron would punch out and indicate the time by writing the time in on his time card when finished with the Twilight shift. Ron would always have a supervisor initial next to his start time and finished time to show he worked for them in the hub. When Ron did ground deliveries or pickups his rate of pay and overtime rate would change according to the Union Contract. Ron would have payroll problems working overtime delivering and picking up air packages for his center.

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L.

The overtime rate would be matched with Ron's regular air package rate. The company would still short Ron for overtime after 3.0 hours relating to his air package deliveries/pickups and Ron's ground package and overtime rates! When Ron complained about his

hours, rate of pay and over time rate, or working in the hub, Ron was told by the union to file grievances against these centers for violating certain articles or sections of the contract. These managers and supervisors would retaliate against Ron by making unnecessary and rude remarks toward Ron during grievance meetings. Note: Review Transcripts and audio conversations. Ron would experience these derogatory remarks from Mr. Deidel and Gill Schubert. Union stewards present at the time, was Curtis Bowker and Byron Moore.

Ron believes the event with Peggy Alley could have been avoided entirely only if Pat Tharan and Mr. Jim Deidel would have done their job with a little more initiative on their part to let Ron know with some instructions by the preload supervisor who helped sort and separate Peggy's Air packages should have informed Ron about their plan and how the remaining air packages were going to be delivered. Ron would not have to go to Peggy who was sitting on the counter that morning, and ask her if she was going to do her own Airs. **NOTE:** On the time card situation from the hub, Ron would always make a copy for the Aurora Center and hand it to Pat Tharan or put it in his slot where his name was, which is located in Jim Deidel's office or Ron would give the copy of my time card to Lacy Pachas in the ...

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M.

... Aurora center who was a part time OCA- clerk/dispatcher. Lacy would be the person who would put Ron's overtime, ground package delivery rate and pick ups into the computer. If Lacy wasn't around to do this, Ron would let her know by leaving a detail note with his time card by her terminal in what Ron did, involving ground packages and

air package deliveries or pickups. Ron made sure Pat received the information, and his time card. **NOTE:** There were times when Pat said he never received a copy of Ron's time card from the hub. Ron always made sure Pat Tharan received a copy of his hub time cards. Pat would always make up some excuse in not receiving a copy of Ron's time cards or Pat would ask Ron for another copy of his hours, because he would misplace what Ron gave to him previously!

NOTE: Why was not Ron's time working in the hub reported to the Aurora Center management about the hours Ron worked?

NOTE: Would like to know what was in the personnel files concerning Jim Deidel and why he was demoted on record for my attorney.

(Signed) Ron Kalkhorst