

STATE OF COLORADO

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COLORADO  
HOUSE OF REPRESENTATIVES

STATE CAPITOL  
DENVER  
80203

April 29, 1997

Mr. Jim Ziernicki  
District Manager  
United Parcel Service  
5020 Ivy Street  
Commerce City, CO 80022

Dear Mr. Ziernicki:

Several state legislators were recently requested to meet with some United Parcel Service employees who are in your district. We were told of ongoing incidents of pervasive discrimination, bigotry and harassment in the workplace. I doubt that any of us were surprised considering some of the recent reports in the national media relating to U.P.S.


It was somewhat of a disappointment, however, because of your recent letter of April 10, 1997, in which you disclaim any "tolerance for bigotry; discrimination or harassment in this district or in this company." Also in your letter, you suggested that employees should contact you, their immediate supervisor or the Human Resources group if there are unresolved issues relating to discrimination in the workplace.


Well, they contacted us instead and requested that we communicate their concerns to you, which hopefully this letter will do. It is our hope that as district manager, you will communicate our concerns to your subordinates and co-workers and inform them of the recriminations that can occur relating to civil rights violations in the workplace.


Mr. Jim Ziernicki  
April 29, 1997  
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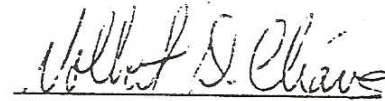
We would appreciate your response to these allegations as well as your response to how these issues can best be addressed and resolved in the future.

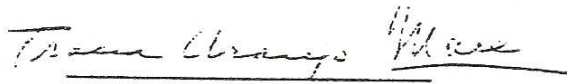
Respectfully yours,


  
Bob Martinez  
State Senator

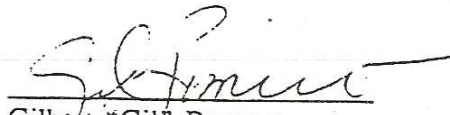
  
Dorothy Rupert  
State Senate

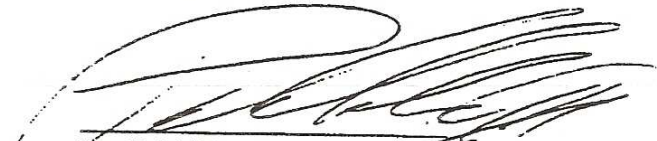
  
Gloria Travis Tanner  
State Senate


  
Nolbert D. Chavez  
State Representative

  
Frana Araujo Mace  
State Representative

  
Jeannie G. Reeser  
State Representative

  
Gilbert "Gil" Romero  
State Representative

  
Penfield W. Tate III  
State Representative

  
Ben K. Clarke  
State Representative

BKC/b

c: Mr. Patrick Thomas  
Ms. Janet McElhaney



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General Assembly  
State of Colorado  
Denver

April 19, 1999

Ms. Lea Soupata  
United Parcel Service  
55 Glendale Pkwy  
NE Atlanta GA 30328

Dear Ms. Soupata:

In the past year, I, and other State Legislators have been approached on several occasions by UPS workers in regards to discrimination and harassment in the workplace.

We previously communicated with Jim Ziermicki, the district manager at the Commerce City Colorado facility. We received no response in spite of sending him a detailed description of ongoing incidents of pervasive discrimination and bigotry.

We are also aware of similar reports in the national media and what appears to be an ongoing problem both nationally and locally. We would appreciate your response to these allegations as well as your response as to how these issues can best be addressed in the future.

These workers have made efforts to communicate their concerns to their supervisors and human resource groups without success.

Thank you for your help with this matter.

Respectfully yours,

Senator Gloria Tanner

Representative Ben K. Clarke

Representative Penfield W. Tate III

c. Mr. Byron Moore

**Michael A. Garcia vs. United Parcel Service Inc.**

**Case filed:** May 1, 1997

**Status:** Dismissed with prejudice Aug. 31, 1998, after confidential settlement.

Garcia, a heterosexual maintenance mechanic for UPS in Commerce City, alleged that he was sexually harassed by his male supervisor, Lyle Dutton. The suit called Dutton "a known harasser of men."

Garcia said Dutton began the harassment in December 1995 after becoming his supervisor. According to his suit, Dutton would touch him at work in a sexual manner. On one occasion, Dutton tried to unnerve Garcia by prodding him from behind with a radio antenna, the suit said.

After Garcia complained to management in January 1996, Dutton denied touching Garcia or engaging in inappropriate behavior. Dutton was transferred in mid-January to work in Montrose and resigned from the company 11 months later.

Garcia, citing stress caused by his confrontations with Dutton, went on medical leave without pay and didn't return to work until April 1996. His suit sought economic and emotional damages of at least \$250,000.

UPS said that Dutton's behavior, even if it occurred as described by Garcia, didn't constitute sexual harassment. The company also said it acted promptly on Garcia's complaint by removing Dutton from the workplace.

Garcia's attorney, however, described Dutton as a "ticking time bomb" with a history of sexual misconduct at UPS. In a 1996 lawsuit brought against UPS, Michael Gerd, a part-time supervisor no longer with the company, said he gained 40 pounds from stress and couldn't sleep because of sexual harassment from Dutton.

In that case, UPS attorneys also maintained that Dutton's behavior amounted to "locker room" antics but not harassment. UPS settled out of court with Gerd after U.S. District Judge Lewis Babcock refused to dismiss Gerd's claims under Title VII of the Civil Rights Act of 1964.

Example of Problems with UPS