

Since being employed at the FedEx station of Lakeland, Florida I have been discriminated against, harassed, bullied, retaliated against and defamed by FedEx operations manager Ivan Ellin. After going through the proper FedEx channels to prove my innocence I was ignored, was not given due process according to FedEx's own policy and procedure manuals and was subsequently terminated when I have done nothing wrong.

On March 1, 2012 I received a disciplinary warning letter stating I had committed an unsafe act by having my work vehicles bulkhead door open while parked at a customer location for a package pickup and that I was in direct violation of P-16 in the Best Practice company policy manual, This incident was on February 27, 2012. The Policy clearly states that the violation of corporate safety regulations is "Failure to have the driver-side sliding door or the bulkhead door closed **when the vehicle is in motion**" At a hearing conducted by the state of Florida unemployment the manager acknowledged the vehicle was not in motion, but stationary and the letter of reprimand was still issued.

On June 5, 2012 I received another disciplinary warning letter for other alleged company policy violations I was said to have committed on June 1, 2012, stating that I had made numerous behavioral and procedural violations. These violations are as followed:

- 1) Making deliveries after clearing with dispatch. Nowhere is it stated that this is a FedEx company policy violation.
- 2) My lunch break times do not match in the GAP report (codes & times are entered into the computer system using the FedEx power used by each employee) and the hand written time card. These did not match due to a mistake made I personally made when manually writing in the lunch break time on the time card. I wrote that I took a lunch break from 1915 to 1845, which is clearly a mistake of my behalf. I informed the management of this mistake when I was being issued the letter, management stated that I had falsified documents.
- 3) Giving work to a peer without management approval. This is not a policy violation and is routinely practiced by myself and every other courier employed by FedEx. Couriers help each other out while on road and if we cannot then we contact dispatch and in turn dispatch will contact management if necessary.
- 4) Failure to comply with Federal Motor Carrier Hours of Service regulations by working over 12 hours in a 24 hour work day. This was another lie perpetrated on me by FedEx management. The Hours of Service regulations set forth by the DOT state that drivers are not to exceed 14 hours of service, which I did not exceed.

On the morning in question on June 1, 2012, at approximately 0900, I conveyed to the lead (acting manager) that I was in need of help on road before leaving the building and was told that there was no help available and for me to go out with what I have. After arriving at my first delivery location, at approximately 10 am, I contacted FedEx dispatch to inform them I was very heavy on deliveries and needed on road help. I was then told by dispatch to contact Greg Abram, the acting manager, at the station. This communication with dispatch was all done through the FedEx power pad computer system. I called acting manager at the station immediately as directed by dispatch. I was informed by the lead that there was still no help available, but that no one in my area would clear (leave) until

everyone was ok with their work. At approximately 1300 I contacted dispatch again to inform them that I was still in need of help with my deliveries. I also contacted the closest courier to my location to ask if he could assist me and he could not. After arriving back at the station, after 8 pm that evening, I met with Donna Noel, the senior manager, so told me there was no reason I should have not been out so late. I informed her I had way too much work, that management was informed of this and I was still given no assistance. She then stated "there was no help, what am I supposed to do". I subsequently went over 12 hours and was given a letter of discipline for doing so.

I had a GFT (Guaranteed Fair Treatment) meeting, which was a hearing between me and FedEx management regarding the disciplinary letter I received, in an attempt to prove operations manager Ivan Ellin had lied and falsified his letter of reprimand report. At the hearing were management & upper management, which included my immediate manager Ivan Ellin, senior manager Donna Noel, District manager Cesar Valenzuela and human resource liaison Lourdes Sosa. It was managements contention that I was in violation of the DOT's 'Hours of Service' policy by going over 12 hours and that I would not have done this had I contacted management. Prior to this meeting I requested, from dispatch, a print out of the messages between myself and dispatch that day to prove I did indeed inform management I was in need of help to avoid going over the allotted hours and was told by dispatch I was not allowed to receive a print out of the those message and that management had already requested them. At the FedEx hearing the senior manager confronted me with the print out of those messages, but did not include the conversation that took place between dispatch and me which included my asking for assistance with deliveries that morning. The senior manager intentionally left out that paperwork which could have exonerated me by proving I did in fact ask for help that morning and if given the necessary assistance needed would have not violated any of the so called violations I was alleged to have committed.

Greg Abram, the lead on the morning in question was never asked of his involvement in this situation. I informed the panel that those messages proving my innocence will still be on the computer hard drive, but was ignored. The investigation was conducted by the accusing operations manager Ivan Ellin, who I believe along with senior manager Donna Noel suppressed those messages to cover up for their poor managerial skills, not paying attention the stations activities and ignoring my multiple requests for assistance. I informing the district manager that I asked for help several times that morning and named Greg Abram & dispatch as my witnesses who could have attested to the fact I did ask for assistance that morning, but was ignored by management. The district manager Cesar Valenzuela and Human resource liaison Lourdes Sosa both chose to ignore my evidence and sided with management to uphold the letter of discipline.

On January 16, 2013 I received a 3<sup>rd</sup> and final letter of disciplinary action when I brought 18 un-attempted delivery packages back to the station and was said to have failed to communicate with management, dispatch or any of the designated leads in a timely manner that I needed help. There was approximately a 3 hour delay start time that morning and I stated that again I had no help. The two couriers, Delores Powell and Mary Goodwin, designated to help out in my area were both heavy with

deliveries and had other after work commitments to attend to, so could not stay any later to assist. Due to the last letter I received and the problems resulting from it, I had been conditioned not to expect any help whatsoever from FedEx Lakeland, Florida management. I had asked for assistance previously, but received no help and was still given a disciplinary letter. No matter what I did I believe I would still have been reprimanded.

Couriers at the Lakeland, Florida station are constantly told that there is no help available and when I tried to get help I received none at all and was given a letter for it, but this last and final time I was given a letter of reprimand for not asking for help.

I presented evidence at the FedEx GFTP (Guaranteed Fair Treatment Procedure) hearing for this letter received on January 16, 2013, to show that this manager, Ivan Ellin had been constantly harassing, bullying, discriminating and defaming me by constantly issuing me disciplinary letters that in no way reflect company policy, allowing other caucasian employees to routinely exceed his 12 hour policy with no repercussions. I informed upper management of the other drivers who I knew went over Ivan Ellin's 12 hours in one work day, with dates included of the so-called Hours of Service violation and these employees received no disciplinary action whatsoever.

An unemployment hearing was conducted between the State of Florida unemployment office, Ivan Ellin, a FedEx representative and I after FedEx denied my unemployment, where the manager Ivan Ellin stated that:

- 1) I violated the hours of service FedEx policy by going over 12 hours in a work day and anyone in violation of this had to fill out a log book. I provided names of other couriers who exceeded his Hours of Service policy with the dates when the violations occurred where they received no disciplinary action whatsoever nor had they filled out any log book as stated by manager Ivan Ellin. I asked FedEx Manager Ivan Ellin if these employees received any disciplinary action, he said he didn't recall. After being confronted with this information and the actual truth concerning the policy, Ivan Ellin then backtracked by saying that it's understood that no one is to go over 12 hours and management approval was required before exceeding the 12 hour limit. He still had no answer for not filling out a log book.
- 2) He stated that I viewed a DOT video regarding the Hours of Service policy and should have been aware of the DOT policy, I was aware of the policy, but I pointed out to the Unemployment referee that the policy said 14 hours and not 12 and that what Ivan Ellin neglected to mention that he had me view the DOT video on the policy after the alleged violation had taken place and not prior to it. Ivan Ellin specifically stated that I violated DOT policy knowing that the DOT policy is 13.5 hours not including lunch. It is even stated on the front of every FedEx time card that an employee is not to exceed 13.5 hours, lunch not included.

- 3) He stated in the hearing couriers are to inform management prior to going over 12 hours of work which I did when I informed the lead Greg Abram that morning and contacted dispatch twice and was ignored by management.
- 4) He stated he had no knowledge of my contacting any member of the management team on June 1, 2012. If anyone bothered to ask the lead, dispatch or check the computer records, this information could have been attained. He stated that he asked me why I didn't call him directly and I said I didn't know. Neither of these questions or this conversation ever took place. He claimed that no one knew I was out so late, which is another lie. I told management through dispatch 3 times that I needed help. He stated that if I had contacted management he could have done something about it. I did and he did not.
- 5) He stated that giving work to a peer, unless it comes from him, not to do so. When asked if giving work to a peer was a policy violation, he exclaimed it was a station policy and management needs to give that approval right off the jump, this is also a lie. We have never been told to ask management approval to give another courier work especially when we need help. This is ridiculous.
- 6) He stated that delivering during lunch break is a policy violation, which I was accused of doing, but when asked if I delivered during lunch break he did not know and exclaimed "I would have to take a look" then stated according to the jag report neither my time card nor the GAP report matched, which showed that I was delivering during my break. I had already explained to this manager that I made a mistake when filling out the time card manually, but was still written up for this violation.

I submitted evidence which included a photo of another courier's time card who had gone over Ivan Ellin's 12 hour policy. This courier did not fill out any log book nor did he receive any disciplinary action.

I submitted my phone bill to prove I called the station at the time I said.

And I submitted a photo of the morning events board which stated "0 flex today do the best and be safe". Meaning there was no help available for the regular couriers, which Ivan Ellin denied writing. Telling couriers this is a routine commonly practiced by Lakeland, Florida management.

Paperwork evidence was faxed to FedEx representative Trev Lumsden, but the new representative, Jennifer Wright, who took over the second portion of the hearing, claims not to have received that information.

At the hearing I was asked by FedEx representative Jennifer Wright if I had been written up for asking for help in the past. I stated no, but was mistaken. In fact I was written up after asking for help. This was the letter I received on June 5, 2012 for the June 1<sup>st</sup> incident when I asked for, but never received help.

The outcome of the State of Florida Unemployment hearing was decided in my favor after the evidence I presented along with that managers own testimony showing manager Ivan Ellin to be a liar and that he manufactured policy to ensure my termination for misconduct and failure to meet the employer's job performance requirements. I had asked for, but was not given the tools needed to complete the task at hand and was made to attempt an impossible mission and then be held responsible when it could not be done. Ivan Ellin has, since my termination, lowered the goals for my route making it easier to complete the mission of the route.