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Mocked, harassed and then fired by his supervisor at UPS, worker sues

Sacramento, CA --- August 20, 2015: Marcelus Hines, a black worker who is intellectually disabled, was hired by United Parcel Services in September 2013. He always showed up for work on time and he worked hard. He was very safety conscious and was recognized for his safe working practices.

Yet he was fired on July 3, 2014 after five months of harassment, intimidation and outright discrimination.

His attorneys Gail A. Glick of Alexander Krakow + Glick LLP, a Santa Monica law firm that exclusively represents employees, and James A. Clark of Tower Legal Group in Sacramento have filed suit for damages and declaratory relief on his behalf in the Sacramento County Superior Court (Case No: 34-2015-00183020).

Clark said, "UPS and its agents behaved in an unbelievably malicious and cruel manner against a decent employee with a mild disability. Mr. Hines has been seriously damaged by their illegal actions." Hines alleges the following egregious facts:

Around February 21, 2014, Hines stopped a loading belt due to an unsafe condition of boxes overflowing. His supervisor, Joe Labonog, began criticizing Hines for this decision, making clear that he valued speed over safety. Labonog also tried to intimidate Hines, mocking his slow speech.

Hines responded that his relatively deliberate pace was because he was required to work solo. Hines said that were he allowed to work in tandem with others as every other sorter was doing, he would be able to keep up the pace as part of a team. But Labonog continued his belittling comments, ultimately threatening Hines with the statement that "I have the power to fire you anytime I want."

The following week, Hines complained to the HR department at UPS that Labonog was harassing him while he was trying to work safely. The HR representative advised Hines to continue to work hard while HR would follow up on his complaint.

On the following Saturday, Hines received a certified letter at home stating that his employment at UPS was terminated. Hines was flabbergasted because he had worked hard the previous week. Upon investigation, it was soon demonstrated that the facts alleged in the letter were false and that a meeting supposedly held with UPS superiors and Hines had never taken place.

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Hines at first did not know what to do about this false letter but reported to work the following Monday and showed the false and intimidating letter to his union steward. The union steward informed Hines that Labonog routinely used such a letter falsely terminating an employee to induce recipients of the letter not to come to work to cause an actual firing under a "no call/no show" termination policy. The union steward tore up the letter and advised Hines to continue working, promising to speak to Labonog.

But it was soon clear that Hines was being singled out. Other managers also began harassing Hines because of his disability. Hines was given the more intellectually demanding task of box sorting rather than simply lifting and moving boxes after Hines confronted UPS with the false termination letter. Hines was also then given impromptu safety quizzes and contradictory instructions which hindered his ability to work. Hines realized that he was being set up to fail.

Hines telephoned his HR representative to complain further about harassment and no action was taken by UPS. Further, when Hines requested a new pair of work gloves, Labonog said Hines would get the gloves only if he dropped down and completed 40 push-ups in front of him and other workers. Hines got the gloves only after performing the push-ups.

Finally, on July 1, 2014, when Labonog and other supervisors confronted Hines to harass him further, Hines demanded that they stop discriminating against him. Additional supervisors then suddenly appeared, berated Hines and had him escorted off the premises. Hines received a termination letter two days later.

Throughout this experience and afterward UPS failed to pursue a thorough complete and fair investigation of Hines' charges.

The suit's causes of action include declaratory relief; disability discrimination; failure to accommodate; failure to engage in an interactive process; disability harassment; failure to prevent discrimination, harassment and retaliation; and wrongful termination.

Glick said, "UPS and its supervisors have violated a host of important rules in California's labor and employment laws. Mr. Hines has been discriminated against, harassed, and wrongfully fired. We are committed to seeing that he receives the damages that justice demands."

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