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16 **UNITED STATES DISTRICT COURT**

17 **NORTHERN DISTRICT OF CALIFORNIA**

18 GALENA GOINS, SONIA LOPEZ, TERRY
19 JONES-JACKSON, UNITY
20 BEDDINGFIELD, ESMERALDA GOMEZ,
21 DANETTE BROWN, SAYSAMONE
22 NANTHAVONG, TAMI RANKINS,
23 SAMANTHA WILLIAMS, CHRISTIANA
24 YANEZ DAVIDSON, REBECCA DANIELS,
25 KATHERINE KELLY, LESLIE
26 MATTHEWS, MELISSA MCKAY,
27 CRYSTAL RYAN-WILLIAMS, KES
28 NACOLE, BROOKE MCGARY, AMY
HOLLAND, on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

UNITED PARCEL SERVICE, INC.

Defendant.

Case No.: 4:21-cv-08722-PJH

**SECOND AMENDED CLASS AND
COLLECTIVE ACTION COMPLAINT**

JURY TRIAL DEMANDED

I. NATURE OF THIS ACTION

1. Plaintiffs, GALENA GOINS, SONIA LOPEZ, TERRY JONES-JACKSON, UNITY BEDDINGFIELD, ESMERALDA GOMEZ, DANETTE BROWN, SAYSAMONE NANTHAVONG, TAMI RANKINS, SAMANTHA WILLIAMS, CHRISTIANA YANEZ-DAVISON, REBECCA DANIELS, KATHERINE KELLY, LESLIE MATTHEWS, MELISSA MCKAY, CRYSTAL RYAN-WILLIAMS, KES NACOLE, BROOKE MCGARY, AMY HOLLAND bring this action pursuant to Federal Rules of Civil Procedure, Rule 23, alleging Defendant United Parcel Service, Inc. (“UPS”) engages in systemic discrimination, harassment and wage theft in violation of state and federal law. Defendant’s unlawful conduct has been widespread, repeated and consistent.

2. Plaintiffs seek to represent a class consisting of: (a) all female employees at UPS who were employed by UPS in the United States from November 9, 2017 to the date of judgment, as a sorter or part-time sort supervisor, on road supervisor, or package car driver; (b) all female employees who worked as a sorter or part-time sort supervisor, on road supervisors, or package car drivers at UPS in the United States, who were over forty years old, and/or disabled between November 9, 2017 and the date of judgment; and (c) any women who worked for UPS from 2015 to present as a sorter or sort supervisor, on road supervisor, or package car driver who has been the subject of an equal pay act violation due to gender discrimination.

3. During the Class Period, Plaintiffs and the putative Class Members suffered discrimination and harassment at UPS because they were women, over forty years old, disabled, or a combination of all three. Despite the repeated attempts of Plaintiffs and numerous Class Members to curtail the discrimination and harassment by reporting repeated instances of gender-based discrimination and harassment to upper-management, Human Resources, Defendants have failed to take appropriate corrective action and permit the hostile work environment for female employees to persist. Plaintiffs, on behalf of themselves, and the Class they seek to represent, request declaratory and injunctive relief; back pay; front pay; compensatory and punitive damages; and attorneys’ fees, costs and expenses to redress UPS’

1 pervasive, discriminatory employment policies, practices and/or procedures.

2 **II. JURISDICTION AND VENUE**

3 4. This Court has subject matter jurisdiction over this suit pursuant to 28 U.S.C.
4 § 1331 and has supplemental jurisdiction over Plaintiffs' state law claims. The claims
5 constitute the same case and controversy raised in the claims under federal law.

6 5. The Northern District of California has personal jurisdiction over the UPS and
7 by extension Ricardo Moreno because UPS transacts significant business in the State of
8 California and in this District. Specifically, this Court may assert general jurisdiction over UPS
9 because its affiliations with the state are so substantive, deep, constant and pervasive as to
10 render it essentially home here, as outlined above.

11 6. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and 42 U.S.C.
12 § 2000e-5 (f) because Defendant conducts substantial business in the Northern District of
13 California, and because, upon information and belief, unlawful employment practices originated
14 in this District.

15 **III. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

16 7. Plaintiffs duly filed their administrative charges before the California Department
17 of Fair Employment and Housing ("DFEH") and the U.S. Equal Employment Opportunity
18 Commission ("EEOC") on (Goins) November 20, 2020 and received a right to sue on
19 August 26, 2021, (Lopez) filed on September 8, 2020, and received a right to sue
20 letter on August 23, 2021, (Jones-Jackson) filed on October 5, 2021 and received her right to
21 sue letter the same day.¹ Plaintiffs filed an additional complaint with the DFEH on January 23,
22 2023, pursuant to Cal. Gov't. Code § 12961, which provides: If an unlawful practice alleged in
23 a verified complaint adversely affects, in a similar manner, a group or class of persons of which
24 the aggrieved person filing the complaint is a member, or if the unlawful practice raises
25 questions of law or fact which are common to such a group or class, the aggrieved person or the
26 director may file the complaint on behalf and as representative of such a group or class. (Cal.

27
28 ¹ The remaining California Plaintiffs have obtained Right to Sue Notices from
DFEH, the other Plaintiff's obtained right to sue notices from EEOC where applicable.

Gov't Code § 12961 (Deering, Lexis Advance through the 2022 Regular Session)

IV. PARTIES

8. In the present case the following employees are *named plaintiffs and representatives of the putative class*:

1. UNITY BEDDINGFIELD	SUPERVISOR- NON UNION, CA
2. DANETTE BROWN	ON ROAD SUPERVISOR-NON UNION, CA
3. REBECCA DANIELS	PACKAGE DRIVER -UNION, AR
4. GALENA GOINS	PACKAGE SORTER-UNION CA
5. ESMERALDA GOMEZ	ASSOCIATE-UNION, CA ²
6. AMY HOLLAND	PACKAGE DRIVER – UNION WA
7. TERRY JONES-JACKSON	HUB SORTER-UNION, CA
8. KATHERINE KELLY	PACKAGE DRIVER -UNION, AR
9. SONIA LOPEZ	HUB SORTER-UNION, CA
10. LESLIE MATTHEWS	PACKAGE CENTER SUPERVISOR, NON UNION, AR
11. BROOKE McGARY	HUB SUPERVISOR -NON UNION, NV
12. MELISA McKAY	PACKAGE DRIVER -UNION, AR
13. KES NACOLE	PRE-LOADER- UNION, NV
14. NANTHAVONG SASAYMONE	SUPERVISOR -NON UNION, CA
15. TAMI RANKINS	ASSOCIATE-UNION, CA ³
16. CRYSTAL RYAN-WILIAMS	PACKAGE DRIVER UNION, AR
17. SAMANTHA WILLIAMS	HUB SORTER -UNION, CA
18. CHRISTINA YANEZ-DAVISON	PT SORT SUPERVISOR, NON UNION, CA

9. Defendant UPS is an American multinational package delivery and supply chain management company. UPS hires employs approximately 444,000 staff: 362,000 in the U.S. and 82,000 internationally. UPS specializes in the time-definite delivery of packages and documents domestically and worldwide. In recent years, UPS has extended its service portfolio to include less than truckload (LTL) transportation (primarily in the U.S.) and supply chain services. UPS reports its operations in three segments: U.S. Domestic Package operations, International Package operations, and Supply Chain & Freight operations. UPS operates over 119,000 delivery vehicles worldwide, ranging from bicycles to tractor-trailer trucks.

² Ms. Gomez's personnel records classify her as an Art 22 Combo Ins/Ins (job description), which is another label for sorter.

³ Ms. Rankins is personnel records classify her as an Art 22 Combo hub/feeder, and she too works in sort.

V. FACTUAL ALLEGATIONS: INDIVIDUAL STATEMENTS OF FACT

A. FACTS ALLEGED RE: BEDDINGTON, UNITY

10. Ms. Unity Beddingfield was hired by UPS on November 18, 2019, for the position of On Road Supervisor for the UPS Hub Located at San Ramon, California.

11. Ms. Beddingfield is an African American cisgender woman. She is pregnant and worked as an on-road supervisor before being taken off work for her leave due to pregnancy. Before leaving she was subjected to race and gender discrimination. Because she is also gay, she was picked on. She has been called a nigger twice, was moved six times, was forced to do more work than her male counterparts and was physically attacked.

B. FACTS ALLEGED RE: BROWN, DANETTE

12. Miss Danette Brown was hired by UPS on December 04, 2014. When she began her duties, Miss Danette was a sorter at the Oakland hub. Within a year she was promoted to supervisor in Oakland. About a year later Miss Brown was promoted to a Coordinator in the Center full time.

13. She was then transferred to North bay in Richmond about a month afterwards where she stayed for a year before moving to becoming On Road. Unfortunately, Miss Brown was not consulted about this particular move. She went through the training and was sent back to Oakland for a couple of weeks.

14. Miss Brown was then transferred to San Jose for three and a half (3.5) years after which she got sent to Pleasanton on completion of her Intergrad. She has been at San Ramon for one year and five months (1.5 years).

15. When Miss Brown first became a supervisor, she earned a salary of two thousand dollars (\$2,000) monthly. She then got promoted to Coordinator and was earning six thousand nine hundred gross (\$6,900). Then she became an On-road supervisor and earned seven thousand four hundred (\$7,400) gross.

16. Her first manager was Kris Wilson, then Tony Douglas, who also became her mentor. Miss Brown shared all her ups and downs with her mentor at UPS. While in Oakland, her manager at North bay was Gene Manzano who according to her was very fair to her and

1 helped with her first promotion.

2 17. There was also another manager, Carlos Berviz, who picked on her and was fired
3 for rape in the building at North bay. At San Jose her manager was Holly who was terminated
4 for timecard changing, among other things. Miss Brown's also encountered another good coach
5 and Manager, Johnny Acafalle, who was transferred to San Ramon. At San Ramon she
6 encountered countless unpleasant episodes with Aimee Vice as her manager. Currently, Justin
7 Minor is her manager.

8 18. Miss Brown currently earns about seven thousand nine hundred and sixty-three
9 dollars (\$7,963.00) monthly, gross.

10 19. Regarding the transgressions under Aimee Vice, according to Danette Brown in
11 March 2021. Danette Brown was transferred to San Ramon Center from San Jose Center after
12 she finished Intergrad in Menlo Park under her manager, Aimee Vice. Miss Brown was told that
13 she got transferred to have her closer to her home. Miss Brown states that when she first met her
14 manager Aimee, she introduced herself and stated what her strengths were, her experiences
15 from San Jose and also wanted to review what she was not up to speed with. Aimee, however,
16 according to Miss Brown, was very distant and claimed she had no idea about the transfer, but
17 immediately put her on the closing shift Tuesday to Saturday.

18 20. A few weeks after working at her new hub in San Ramon, Miss Brown asked
19 about Recognition (a program that shows staff appreciation) but she was brushed off for weeks.
20 Eventually her manager Aimee stated that was her center and she would run it whichever way
21 she felt like. Miss Brown did not give up and asked about Wellness Wednesday and eventually
22 her manager agreed to her bringing in doughnuts, fruit, health bars, yogurt, and coffee every
23 Friday for recognition of all drivers.

24 21. Miss Brown also states that herself and another colleague were often asked to dig
25 in unsanitary garbage cans to check for packages thrown away, which might have possibly been
26 delivered to a business or residence and had no prior scan. What was most dangerous about this
27 was that it was when COVID-19 was at its height.

28 22. Miss Brown further states that Aimee referred to her and her colleague who dug

1 into the garbage as Scooby Doo and Scrappy Doo, well known animations.

2 23. Regarding the transgressions under Aimee Vice according to Danette Brown in
3 May 2021. On May 10, 2021, Miss Brown received a call from Berto in Security to have a
4 meeting with him regarding a conversation she had overheard regarding Aimee, her manager.

5 24. On May 11, 2021, she met with Berto and Mikal from Security, where she wrote a
6 statement regarding said conversation. This is an excerpt of said statement verbatim from Miss
7 Brown's Statement:

8 I was in the office standing by Aimee's door waiting to talk to the OMS
9 (Evelyn) so we can start afternoon dispatching. Aimee was on the phone and
10 her back was turned away from the door while sitting in her chair .Not sure
11 who she was talking to, about a conversation that her and I had earlier about
12 some of the things I mentioned that I had done in the past center that I think
13 could help motivate the drivers and help with communication (PCM,
14 stretches, recognition, and the safety dashboard, to name a few things). As
15 Aimee was talking, I realized she was talking about our conversation I had
16 with her that morning, then I heard her say "I'll be glad when that black
17 monkey goes back to where she came from" At this point she said a few other
18 things in the conversation. At this point I was beyond angry/hurt because I
19 knew it was about me due to the dialogue we had earlier. As she ended her
20 conversation, she turned around in the chair and saw me standing there. She
21 looked like she seen a ghost. She said nervously, 'hey DeDe can I help you? I
22 looked at her in a way as should I leap over the desk or what?' I answered
23 her, ' Nope!!' I turned away with a tear in my eye, grabbed my phone and
24 called my mento Tony Douglas (Coordinator at the Oakland Airport). I
25 tearfully told what had just transpired and he just basically told me to calm
26 down and do my job and deal with it after I've calmed down.'

20 25. The following day Miss Brown mentioned the conversation to another colleague
21 (Scott Weiland) at the Walnut Creek Office. Scott then mentioned this to Sean Ramirez, Ryan
22 Acosta and Steve Furnish. The three colleagues collectively agreed that Miss Brown should not
23 write it up and report it. Eventually Scott Weiland reported it to the manager, and it was
24 reported to HR and Security.

25 26. Miss Brown was questioned as to who else she told, and she mentioned Henry
26 Apadaca and Casiah. Both colleagues were promptly transferred out of the facility. Miss Brown
27 states that Henry Apadaca and Casiah were disliked by Aimee, unlike Sean Ramirez and Ryan
28 Acosta.

1 27. Miss Brown was summoned by Berto from security together with HR after a
2 week. They stated that they investigated the incident, but they couldn't prove a thing. Aimee
3 Vice denied everything.

4 28. A week or so later Aimee Vice was transferred to Angels Camp Center, a hub
5 closer to her home as punishment.

6 29. Regarding the Transgressions under Justin Minor according to Danette Brown on
7 November 04, 2021; Justin Minor sent out an email to On-Roads Sean Ramirez and Ryan
8 Acosta stating that he was going to get rid of all the dead weight at Pleasanton Center, San
9 Ramon. However, he did not send said message to 'everyone' on On-Roads.

10 30. Justin was constantly texting employees asking them about Miss Danette Brown.

11 31. Justin was always looking for ways of embarrassing Miss Brown in front of her
12 colleagues.

13 32. There was a complaint on Justin from a driver named Marial Casta who put in a
14 corporate complaint that Justin used profanity in front of another supervisor while referring to
15 Marial Casta. Miss Brown was in the office and recorded the whole incident. Her managers
16 started referring to her as a mole not to be trusted.

17 33. Justin once said Miss Brown had a driver (Corey Walker) in the back of the UPS
18 truck, as she was driving and delivering. He claimed to have taken a picture of her doing so. The
19 driver was at the front, sick and bent over while throwing up in the truck! That night the driver
20 went to the hospital with pneumonia.

21 34. Justin told two supervisors, Sean and Ryan, that Miss Brown called in a corporate
22 complaint on her OPS manager, Liz Hestings. This accusation was untrue.

23 35. Regarding the Transgressions under Justin Minor according to Danette Brown on
24 December 18, 2021; Miss Brown found a man bludgeoned on her training route. She called the
25 police and took pictures of the man to send Justin to give evidence of her current delay. She was
26 kept by the police for questioning. Justin warned her not to bring back any packages despite it
27 being 8.45 p.m. He didn't try and dispatch any help, yet she was a supervisor. When Miss
28 Brown returned that night, she learned that other On-Roads brought back packages because it

1 got late.

2 36. Regarding the Transgressions under Justin Minor according to Danette Brown on
3 March 02, 2022; one of the drivers lied to Justin that Miss Brown spent (1 ½) One and half (1.5)
4 hours talking on the phone about Justin. She said she was on the phone speaking to a shop
5 steward letting them know she would not be able to deliver the packages.

6 37. Justin received a letter of complaint from an employee at a Regional UPS store.
7 He kept it for two weeks without informing Miss Brown until the clerk informed her. When she
8 asked Justin about said letter, he was unbothered.

9 38. Miss Brown reported to Human Resource regarding her relationship with Justin.
10 Human Resource set up a meeting two weeks later but cancelled it without informing her.

11 39. Miss Brown overheard a conversation between Justin and Scott Macdonald (On-
12 Road from the Walnut Creek Center). Justin claimed that three African Americans at his hub
13 were being “hidden” there because they did not know what they were doing.

14 40. One of the drivers threatened Miss Brown’s center and customers claiming he
15 would shoot up the place. She reported this to Justin and Security but nothing was done. It
16 happened again and still nothing was done. Next thing Miss Brown knew said driver, who had
17 about 5 accidents, was promoted to IE.

18 41. Regarding the Transgressions under Justin Minor according to Danette Brown on
19 April 05, 2022; Miss Brown states that Justin keeps bringing up her name in conversations,
20 claiming she does not like him, but keeps discussing this with her peers. This makes her
21 extremely uncomfortable at work considering Justin is her superior.

22 42. Regarding the Transgressions under Justin Minor according to Danette Brown on
23 June 26, 2022; on this particular day Miss Brown brought up the conversation about moving up
24 in management. She spoke to her manager Justin, as there existed an opportunity for this.
25 Nothing has been done with regard to this to date.

26 43. Regarding the Transgressions at Pleasanton according to Danette Brown; Miss
27 Brown states that she has not had a chance to have a meeting with anyone about the process of
28 promotion, despite two other colleagues with less educational qualifications and experience.

1 than herself being promoted.

2 44. Her manager Justin Minor took to mentoring another colleague, a white Caucasian
3 male, in order to help him to get promoted. The new colleague being mentored joined a few
4 weeks before and expressed his interest in becoming a manager.

5 45. Regarding the Transgressions under Justin Minor according to Danette Brown in
6 August 2022; Miss Brown states that her manager Justin Minor has been micromanaging her
7 every movement at the hub. He routinely questions anyone she speaks to or shares whatever
8 information with them.

9 46. Miss Brown further states that Justin has been after her since she went to
10 Pleasanton Center. She states that Justin once worked there as a driver, then an On-road.

11 47. She further states that she has a picture she took in November 2021, where Justin
12 sent an email, stating he was going after Managers and On-roads.

13 48. Miss Brown has tried numerous times to have conversations with her superiors
14 about being promoted but has never been given the opportunity. The same opportunity is
15 accorded to her male colleagues, some who have been there for a lesser time and have lesser
16 experience than she does.

17 49. In the past month or so, Miss Brown has been seeing a Psychologist, Dr. Mark
18 Forman, Ph.D. @ 408-841-7443. Address: 4855 Atherton Ave. #201 San Jose Ca. 95130.

19 50. She has been under so much mental pressure, her attitude has changed her
20 demeanor at home and towards people she loves and cares for.

21 **C. FACTS ALLEGED RE: DANIELS, REBECCA**

22 51. Ms. Rebecca Daniels alleges gender discrimination, breach of contract, and
23 wrongful termination stemming from the behaviors by Kent Hardy and others in management.
24 Ms. Daniels served 36 years at UPS from January 1982 until February 2018.

25 52. Beginning in 2005, Ms. Daniels alleges that Kent Hardy changed routes to give
26 the men easier routes (less labor) and would give Ms. Daniels longer in time and/or more
27 physically demanding. She confronted Kent Hardy about this disparity, and he did nothing. This
28 decision by Kent Hardy forced her to work more hours, but on paper, it looked like she was not

1 working as much.

2 53. Starting in 2008, Ms. Daniels began turning in grievances for these violations;
3 however, these were ignored by Kent Hardy. In retaliation, Kent Hardy filed grievances against
4 Ms. Daniels about unprofessional behavior in the workplace. This culminated in Kent Hardy
5 suspending Ms. Daniels for “failure to respect and follow the correct methods and procedures
6 that would allow [Ms. Daniels] to deliver [her] packages in a timely manner.” From 2010
7 through 2018, there were several workplace interruptions and grievances filed over Kent
8 Hardy’s harassment of Ms. Daniels. These workplace interruptions could have been avoided
9 had Kent Hardy treated Ms. Daniels the same as her male co-workers and assigned routes by
10 seniority or talent level, instead of preferential treatment for the male co-workers.

11 54. Beginning in 2016, Kent Hardy assaulted Ms. Daniels (née Becky Starr), which
12 was witnessed by Katherine Kelly who then wrote a witness statement detailing the assault as
13 outlined above.

14 **D. FACTS ALLEGED RE: GOINS, GLENA**

15 55. Plaintiff Galena Goins was hired by UPS on August 31, 1999, for the permanent
16 position of Hub and Feeder Operations (Sorter) for the UPS hub located at 8400 Pardee Drive in
17 Oakland California 94621.

18 56. Galena Goins has been working as an Operations Feeder at the Oakland hub for
19 over twenty-two and a half years (22.5). Currently her manager is Mike. When she started
20 working at UPS, Galena Goins was earning eight dollars and forty-five cents (\$ 8.45) an hour
21 and now earns twenty-eight dollars and sixty-two cents an hour (\$ 28.62).

22 57. Between September 12, 2020, and September 16, 2020, Miss Galena has faced a
23 number of unprovoked accusations at work and false write ups from her co-worker Marcus. The
24 accusations range from being falsely accused of not working, not working fast enough, or doing
25 the job incorrectly.

26 58. Despite her colleagues and managers knowing that she has a knee injury, Galena
27 Goins is forced to stand for long hours and assigned to heavy duty areas.

28 59. Any complaints Galena Goins brings to the attention of her supervisors are never

1 followed up, neither are they taken seriously.

2 60. Galena Goins states that the work environment is hostile and that makes it
3 difficult for her to work efficiently.

4 61. Galena Goins states that she has worked at UPS for over twenty-one years.
5 Therefore she has enough experience to know what she should be doing. However, the
6 micromanagement at work towards her from her supervisors creates a hostile environment.

7 62. Galena Goins was replaced by two employees from the San Bruno facility around
8 October 13, 2020. Miss Goins was placed in her area because of her seniority at UPS, but her
9 supervisor Ricardo will go out of his way to constantly make her life difficult or get her kicked
10 out to another area.

11 63. Any efforts to have her grievances addressed are usually futile. Miss Goins has
12 been constantly looking to address the hostility from Ricardo by requesting meetings. At one
13 point a meeting was held in her absence to address her own grievances. At other times, the
14 meetings are held, but nobody addresses the main grievances she has with Ricardo.

15 64. In conclusion, Miss Galena Goins has been working under toxic and hostile
16 supervisors who have made her life difficult at every opportunity. She has been written up
17 severally in a month, harassed and wrongly accused of so many things. There have also been
18 fake reports submitted on her. Any chance to get a resolution to this hostility and toxicity at
19 work has been met by a breakdown in communication and a dismissal of her grievances.

20 **E. FACTS ALLEGED RE: GOMEZ, ESMERALDA**

21 65. Plaintiff Esmeralda Gomez was hired by UPS on September 24, 2013, for the
22 position of a Full-time Combo loader and Irregular Sweeper helper for the UPS hub located at,
23 8400 Pardee Drive, Oakland, CA 94621. Gomez has consistently felt harassed,
24 underappreciated, and intimidated by her fellow employees during her time with the company.

25 66. When Gomez began as a driver they gave her challenging routes while expecting
26 her to finish at a decent time. On November 9, 2015, Gomez received a call after 8:00 PM from
27 her supervisor Chris asking if she was going to be able to complete the route. Gomez felt like
28 they were expecting her to be late in finishing her route. On November 10, 2015, due to the

1 pressure of finishing the same route as the previous day timely, Gomez got in an accident while
2 her seatbelt was unbuckled and was ejected from the vehicle. Gomez was kept on as a driver
3 helper.

4 67. On April 20, 2017 Gomez received a call from Marty, her Union representative
5 who told her he would fight for her driving job and full time schedule. Then on May 15, 2017,
6 Marty informed her that he would not fight for her driver position. Gomez would then see a
7 mental health specialist as she was feeling stress and pressure from her uncertain job status and
8 future. Gomez would then be placed on stress leave for the months from May 15, 2017 to
9 August 15, 2017. On July 14, 2016, due to the aforementioned accident, Gomez would be
10 demoted from full time drive to full time warehouse employee. On August 15, 2017 the mental
11 health specialist recommended three more months of break, but Gomez could not afford to take
12 more time off and needed to work.

13 68. On August 16, 2017 Gomez returned to work but felt belittled and discriminated
14 against due to her demotion. Gomez knew male drivers who had had several accidents and even
15 drove under the influence and still had their driving position. On September 14, 2017 Gomez's
16 pay would be reduced from \$ 21.35 per hour to \$ 17 per hour. This pay cut worsened her mental
17 health and made her unable to pay monthly expenses like rent, her car insurance, and other
18 everyday needs. Gomez was forced to charge things to credit cards, borrow money from her
19 family, and get a second job.

20 69. While working at UPS Gomez felt like her seniority was never acknowledged and
21 was denied job bids consistently. A part time Supervisor, Malik Jackson, took advantage of his
22 position by constantly confronting Gomez with inappropriate behavior and tried to intimidate
23 her with cursing and name calling. Gomez reported him and he would later be fired for stealing
24 packages from UPS.

25 70. On January 1, 2022, Supervisor Tiffany told Gomez that "they" wanted to move
26 her to another work area. Gomez questioned who "they" were who wanted to mover her.
27 Tiffany stated that it was her who wanted Gomez moved, due to her allegedly poor consistency.
28 Gomez stated that she was assigned for this job opening in September and that moving her

1 would be to a soft job, rather than the two hard jobs she had been doing. At approximately 8:40
2 p.m., on the same day Tiffany once again approached Gomez while she was unloading a truck,
3 this time with another supervisor in tow who was stated to be there as a witness. Tiffany
4 informed Gomez she should improve her attendance and that the other supervisor was there as a
5 witness. Gomez felt cornered and like this additional supervisor was there to intimidate her.

6 71. On January 26, 2022, Tiffany called Gomez before her work day started asking
7 for a favor wherein she needed Gomez to unload a truck to a different area not assigned to her
8 and she would need her there for the rest of the week. Gomez agreed. Gomez texted the Shop
9 Steward, James Grant, when she arrived requesting to speak with him. At approximately 6:30
10 p.m. James talked with Gomez and she told him about Tiffany calling her during her personal
11 time, and that Tiffany had been making her feel singled out and harassed. James told Gomez
12 that he would talk to her. At 9:50 p.m. James came back and stated that Tiffany had not been
13 harassing or treating Gomez differently. Gomez told James that no male employees are ever told
14 by her to move from the metro and that others are late and miss days of work and yet are not
15 expected to check in as regularly or at all.

16 72. On February 9, 2022, at around 7:45 p.m. Gomez was unloading when Supervisor
17 Angel Ocampo approached her with a male part-time employee, and told Gomez he needed her
18 to unload in the back and the male employee would cover here. Gomez questioned why
19 Ocampo couldn't have the male employee do the job and noted how she already has a hard job
20 later as well and her elbows and shoulders were hurting. Ocampo stated "I'm your supervisor, if
21 I want I could move you." Gomez continued to unload and refused to move. Ocampo told
22 Gomez to report to her on PD2 load the following day. Gomez reported what had happened to
23 James who told her to just go to her assigned job at the 800 Metro Unload.

24 73. On February 10, 2022, at 6:55 p.m. Ocampo approached Gomez visibly upset and
25 asked why he didn't report to him. Gomez informed Ocampo that James advised her to report to
26 her job that Wayne, the Manager, had given her. Ocampo then had Gomez follow her to the
27 office with James. Vic Oneal, James, Ocampo, and Gomez, all met and James stated that Wayne
28 assigned Gomez to the Metro 800. Vic stated that he had not violated anyone's rights with the

1 move and that he has to keep employees in bid jobs and should not let them out because it
2 causes issues. Gomez stated that she was doing two hard jobs, which Vic stated that irregular
3 sweeping was a soft job. Gomez stated that she still had to lift packages over 70 pounds, which
4 was against company policy. Vic and Ocampo eventually agreed to assign her to a soft door 106
5 in PD2 load area. Gomez then went back to the metro 800 unload to get her belongings where
6 she found a male part time employee taking over. The male part timer taking over contradicts
7 the previous statement about moving employees out of their bid positions. Gomez felt like this
8 had all been retaliation against her for standing her ground on Union rights, as well as for being
9 an outspoken woman and due to her physical appearance. Gomez felt embarrassed, ignored,
10 humiliated, and belittled.

11 74. March 1, 2022, the supervisor Tyrese approached Gomez in her trailer and told
12 her to load door 109, which she was not assigned to. Gomez told her, no, and that she was
13 already backing up and walked away. Tyrese was yelling words Gomez could not understand
14 before telling her repeatedly to leave, making Gomez feel scared, upset, and intimidated. The
15 following day Tyrese came into Gomez's trailer and began throwing packages off of the
16 conveyor while blocking the exit. Gomez was scared and anxious and when she requested he
17 not block her as it was not safe he shook his head and continued throwing packages. Gomez
18 later needed to pick up every package he threw down. At 10:45 p.m. Gomez told Wayne
19 Coultman what had happened. On March 3, 2022, at 7:30 Gomez went to the restroom and
20 when she came back Tyrese was there and told her he put someone on her door and was upset
21 she didn't tell him she went to the restroom and that he thought she had "abandoned" her job.
22 Tyrese then told Gomez to go somewhere else and that he would tell Ocampo about what she
23 did. Gomez then spoke to James Grant about what happened, who told her to go to Wayne the
24 Manager. Wayne stated that he would talk to Tyrese. Gomez also called the ethics hotline to
25 report the issue.

26 75. On April 20, 2022 Gomez was moved by Drake to sweep irregulars where she
27 would have to do the job of multiple employees and lift heavy packages with no help from
28 Drake or other male employees. On April 21, 2022 Supervisor Danesha told Gomez that Drake

1 had told her to now sweep and unload a different area as well. Gomez stated that that was too
2 much work and that she was already backed up. Danesha replied stating “What’s this? I’m
3 hearing that you refused to do the job.” Gomez stated she didn’t refuse, just stated that it was
4 too much work. Drake then passed by and told Danesha to stop talking to Gomez and that James
5 was on his way. James then approached and asked if Gomez refused work, and Gomez clarified
6 that she pointed out that it was too much work. James later told Gomez that he would talk to
7 Danesha about him overworking Gomez.

8 76. On April 22, 2022, Supervisor Larry was picking off the irregular packages for
9 the unloaders when he picked up one end of a 90-pound C-shaped package and Gomez lifted the
10 other. Larry then let go as Gomez was carefully and slowly placing it down right as another
11 large package comes down and collides with the one Gomez is carrying, hitting her wrists, and
12 having the package land on her feet. Gomez’s left wrist started to hurt, and she iced it for 15
13 minutes before attempting to lift it again, but felt too sharp a pain in her wrist to continue.
14 Gomez told Larry that she needed an incident report and the two of them filled out the report.

15 77. In June of 2022 Gomez began working the night shift and attempted to bid for a
16 soft job that she had seen male employees receive. Repeatedly Gomez and others worked 5 or
17 more hours without a break.

18 78. Ocampo had still been persisting since February to contact Gomez through her
19 personal phone before work to question her daily attendance. Gomez felt like Ocampo had been
20 targeting her as a woman.

21 79. On August 8, 2022 Angel Ocampo, the full time supervisor, sent Gomez a text
22 asking if she was coming in to work. Gomez was on vacation that week, which Ocampo had
23 previously approved, and did not reply. Gomez has felt constantly harassed and targeted during
24 her work and has consistently suffered physical and mental pain that has led her to emergency
25 care.

26 **F. FACTS ALLEGED RE: HOLLAND, AMY**

27 80. Plaintiff Amy Holland, (at the time of hire, her name was Amy Urpman) was
28 hired by UPS on December 6th, 1996, for the position of a Full-time Driver helper, for the UPS

1 hub located at, 550 Andover Park West Tukwila, Washington 98188.

2 81. Holland had worked at UPS for a total of 20 years. In the beginning, Holland
3 loved working for UPS, her coworkers and supervisors at the Redmond hub had been like
4 family. She was a master at loading the trucks on her line, she trained new employees, and
5 helped the senior employees when needed, Holland even worked as a clerk and in the office
6 when her assistance was necessary. In Christmas of '97, when Holland was still working as a
7 Driver helper, Holland was struck by a diesel truck while she was crossing the street to deliver a
8 package. She was tossed 30 feet and was taken to the hospital, where eventually she was met by
9 many corporate suits in her hospital room. Holland was feeling very overwhelmed, since she
10 had just been in a major accident, she asked the suits to leave. Holland was on leave for roughly
11 six months working hard to recover and return to the job she loved. When Holland returned to
12 UPS, she was offered a position as official Driver in the Spring of 1999. Holland was ecstatic to
13 start working as a Driver; receiving weekly paychecks and medical insurance. The only
14 downside was the roughly 90 minute commute, that cut her time short with her son. In 2000,
15 Holland was offered to be a Driver out of the Renton Washington hub. She knew she would
16 miss her coworkers and other staff at Redmond but moving to the Renton hub would cut her
17 commute in half to 45 minutes. With the benefit of a shorter commute, Holland made the
18 decision to relocate to Renton in June 2000.

19 82. Things were going well at the Renton hub until roughly mid-way through 2001.
20 Holland still had agonizing knee and right-side pain. When she had brought this up to her
21 supervisor, he had Holland fill out an accident report, he also told Holland that her hand and
22 shoulder pain were carpal tunnel and she would be "fine." Holland had seen it before, other
23 UPS drivers mentioning to their supervisor or someone higher ranked, and then it became a big
24 problem. Holland went to see another knee doctor as she was told to do, the doctor told Holland
25 that she would need another surgery for a torn meniscus. It took a prolonged amount of time for
26 UPS to approve the knee surgery for Holland, but she eventually got it done. In 2003, over two
27 years from the first complaint she made about her hand and shoulder pain, Holland had it looked
28 at and was told by a shoulder doctor that she had a fractured thumb. Holland had to have

1 surgery on her hand and elbow to relieve the scar tissue. Holland was still having knee pain to
2 which her knee doctor advised an MRI of her left side, which showed a small tear causing the
3 pain. Holland ended up having hip surgery as well. Before her accident in 1997 Holland was
4 extremely healthy, she never had any surgeries or broken bones.

5 83. Following the hip surgery, UPS decided to keep Holland off work for 18 months,
6 even though Holland profusely asked to return to work, UPS did not want Holland at work.
7 While being home for the 18 months, Holland was receiving business cards from UPS and from
8 their health and safety team. At this point Holland had been employed by UPS for eight years,
9 and she knew that other employees had been fired for faking injuries, and they were being spied
10 on by UPS. While Holland was off work, she wrote to UPS Safety asking for an ADA, which
11 was approved. Holland continued to be in contact with her union and was seeing her doctor, she
12 returned to work at the end of 2004.

13 84. Her return to work came with work orders from her doctor that were approved by
14 the health and safety team. The orders were for Holland to have a 'power steering' truck, and a
15 raised shifter by three inches to accommodate her right side. Holland had fought for the raised
16 shifter with her supervisor and other management for three years, she never received the raised
17 shifter. Without the assistance of the raised shifter and unloading and loading heavy weights
18 was a challenge. Holland has asked her supervisor if she could make fewer overweight stops, or
19 assistance with those stops. Holland's supervisor told her to unbutton a button, the customers
20 will help her. The supervisor also said he had been following Holland on her routes, and the
21 customers will help her when she is looking pretty. Holland was stunned and confused as to the
22 nature of the conversation, when she questioned her supervisor, he told her if she can't do the
23 job then she should quit.

24 85. Now in 2006, Holland started to receive bad treatment from coworkers and
25 Supervisors. She would be frequently called into the office and was told she was not getting her
26 routes done, other drivers had to cover her routes, she needed to work harder like the other
27 workers, and that she was now a liability and needed to watch herself. Holland had started to
28 write grievances and filed letters with EEOC, once in 2009 and the second in 2011. In 2011

1 Holland was scheduled for another knee surgery and UPS refused to approve it. Her knee was
2 extremely painful every day and would interfere with her life. Around this same time, a
3 different supervisor accused Holland of sleeping with a male coworker of hers. When she
4 denied these claims the supervisor walked away laughing. Later that day, Holland was at a
5 baseball game with her girlfriend when that same supervisor and his friend approached Holland.
6 The supervisor told Holland “UPS cannot stand you. You are a paint in the ass and a liability.
7 Yes you work hard but you aren’t worth the risk, you know that right?” He continued on to say
8 he could not be nice to her at work but would be nice to her outside of work. He then asks
9 Holland and her girlfriend if they want to go back to his place and use his hot tub. Holland was
10 heartbroken to hear that no one at UPS wanted her there, she was also shocked and stunned at
11 the inappropriate comment her supervisor made, inviting Holland and her girlfriend back to his
12 hot tub. As Holland and her girlfriend were getting into their car to go home after the game, the
13 supervisor and his friend jumped in the car and again asked the ladies to go back to his hot tub.
14 Holland’s girlfriend screamed at them to get out of the car, and they did.

15 86. Holland felt uncomfortable and awkward going into work the next day. She told
16 some coworkers who would try to laugh and brush it off. Holland was now suffering from
17 extreme anxiety due to the harassment and attention she receives in and out of work. Holland
18 applied for FMLA and did receive a few intermittent days off per month but that wasn’t enough
19 to combat the treatment she was receiving.

20 87. In 2012, things had only gotten worse. November of that year Holland’s dad was
21 hospitalized and very ill. He was staying at a hospital in Seattle which was an hour away from
22 Holland’s home, and she would then get home very late in the evening. Holland has asked
23 numerous times to have a day off so she could sit with her dad the whole time, rather than just
24 an hour late at night. Since the time of year was closing in on Christmas, UPS denied her
25 request for a day off to see her sick father. On December 19, 2012, Holland’s father was getting
26 worse. Holland had called her supervisor in the morning asking to leave early because her father
27 was getting worse. Holland’s husband then called Holland’s boss and told him, he was going to
28 pick up Holland on her current route and take her to the hospital. When Holland’s husband

1 arrived to pick up Holland, her boss and a fellow coworker showed up to finish Holland's route.
2 Sadly, on the morning of December 20, 2022, Holland's dad passed away. UPS told Holland
3 that they expected her back at work on the 22nd. She reluctantly went back to work two days
4 after her father's passing.

5 88. In 2013 the hub Holland worked at had a new supervisor, who was actually one of
6 her supervisors in 1997-99 at the Redmond hub. Holland was excited to see this supervisor
7 again and re-introduced herself to him. She has gotten married since she last saw him so she
8 even reminded him of her maiden name. He responded to Holland and said "Oh I remember
9 you, you used to work at the Redmond hub? You used to work so hard, what happened?" He
10 stood there staring at Holland, and she felt confused and awkward, Holland chuckled and
11 walked away. Holland was still experiencing extreme anxiety and depression, she was taking
12 medication and seeing a counselor.

13 89. In 2014 and Holland decided to open her own coffee stand. She knew that other
14 UPS employees had other small businesses or real estate properties. In February of 2014 and
15 Holland hurt her hand again, the same hand she had surgery on in 2003. Holland immediately
16 started crying. She was thinking she would be terminated for her injury. Holland told her shop
17 steward about this injury, and the steward told Holland to call her supervisor and ask to go
18 home so she could see a doctor. Holland called her supervisor; he brought a fellow coworker to
19 finish Holland's route for the day. Back at the hub, the supervisor brought Holland into the
20 office and started grilling Holland with questions. He told Holland that she was lying about her
21 injury, that her injury was fake, and that he would fire her for abandoning her work. A different
22 supervisor told Holland to leave for the day and to return with a doctor's note. Holland
23 contacted the union who advised her to either call an ambulance or drive to the doctors. Holland
24 opted to drive. The next day at work, Holland came in and had a doctor's note. She was
25 immediately called into the office and the same supervisor who told her the previous day that
26 she was faking her injury, told her today that he wanted to fire her but couldn't because it was a
27 medical reason. UPS refused to open a claim on Holland's injury even though she had a doctor
28 review her injury and had a doctor's note. Holland had to continue to work. Now, Holland's

1 boss was following her every day on her routes. Holland's boss and supervisors would either
 2 follow her on route or ride-along with Holland on her route. When Holland filed a grievance
 3 about being followed or doing the ride-alongs, her boss would extend the time the ride-alongs
 4 would happen. On one of Holland's ride-alongs, she was riding with a female supervisor, that
 5 she had ridden with before. This female supervisor was being extremely inappropriate on the
 6 ride-along. This supervisor had mentioned to Holland that she (supervisor) did not like having
 7 sex in the morning because she can, "feel it running out of me at work". The supervisor laughed
 8 at her own comment and Holland commented "that sucks." Later on the same ride-along,
 9 Holland and the supervisor saw two women crossing the street holding hands. The supervisor
 10 said to Holland "if I were gay I would sleep with you, you're hot." Holland responded, "thanks
 11 for the compliment?" At this point, Holland is extremely uncomfortable, receiving sexual
 12 comments from an authority figure while stuck in a UPS car with said supervisor. Holland has
 13 now received sexual comments about her appearance from both male and female supervisors.
 14 When Holland and the female supervisor finally returned to the hub, Holland told her boss what
 15 had happened and she told him she did not want to do another ride-along with the female
 16 supervisor, the supervisor was making Holland uncomfortable due to her inappropriate
 17 comments. The boss told Holland that he believes she was lying and was acting like the sexual
 18 harassment was no big deal. Holland called her union representative and explained what had
 19 happened with the female supervisor. The union rep said he would call Holland's boss and
 20 discuss this with him. A couple weeks go by, and Holland is forced to do another ride-along
 21 with the inappropriate female supervisor, the supervisor did not say anything the whole ride, but
 22 she was taking notes.

23 **G. FACTS ALLEGED RE: JONES-JACKSON, TERRY A.**

24 90. Plaintiff Ms. Terry Jones-Jackson was hired by UPS on January 1 1999, as a Hub
 25 Sorter and Loader/unloader for the UPS hub located on Pardee drive in Oakland California. She
 26 has maintained this employment with UPS for a total of 23 years.

27 91. In these 23 years Terry Jones-Jackson has gained job seniority pursuant to her
 28 union contract and is entitled to receive Equal Pay equivalent to what a male sorter of the same

1 seniority would receive. Since joining UPS in 1999 has excelled in her assigned duties.

2 92. Sometime in December 2018, Plaintiff Terry Jones-Jackson came to be aware that
3 her salary did not match up with that of her male colleagues with the same seniority. She
4 brought this to the attention of her Union Representative. Although her salary was later adjusted
5 to meet with that of her male colleague, it took approximately one year to achieve this, and she
6 never received her back pay.

7 93. UPS installed automated machines in 2017. Sometime in August 2018 Drake
8 Holloman, the manager, made the decision to move Terry Jones-Jackson away from Automated
9 sorting to manual sorting. This was considered a demotion and none of the male sorters were
10 moved.

11 94. Plaintiff Terry Jones-Jackson filed a grievance thorough her union and she was
12 reinstated about 4 weeks later.

13 95. Plaintiff Terry Jones-Jackson has been consistently denied the ability to work
14 overtime hours in favor of male employees with same or less seniority who were given the
15 opportunity to work overtime.

16 96. Sometime in March 2020, Plaintiff Terry Jones-Jackson was assigned on unload
17 and loading by her Manager Connor O'Reilly who constantly gave preferential treatment to
18 sorters with less seniority who were younger females, who were dressed in a very sexy and
19 seductive clothing. These employees who were assigned to small sort, were given more
20 desirable assignments and had less seniority.

21 97. Plaintiff Terry Jones-Jackson in 2005, requested a full-time job in 2005. She has
22 consistently been denied a full-time job while others mostly male employees or younger females
23 with less seniority were given the opportunity to get full time assignments.

24 98. In January 2019, UPS transferred from the San Bruno facility and given full time
25 jobs. Most of those who were given fulltime jobs were men with similar or lesser seniority and
26 younger females with the same similar or less seniority than Plaintiff Jones Jackson who had
27 been asking for a full-time assignment and had been consistently being turned down.

28 99. Ms. Jones-Jackson has had no history of performance issues.

H. FACTS ALLEGED RE: KELLY, KATHRINE

100. Ms. Katherine Kelly alleges sexual harassment and wrongful termination stemming from the behaviors by Kent Hardy and others in management. Ms. Kelly served eight years at UPS until her recent firing on July 18, 2022. She was recently re-hired in August 2022.

101. Beginning in 2016, Ms. Kelly witnessed Kent Hardy assaulting Teamster Steward Rebecca Daniels (née Becky Starr), from which Ms. Starr filed a lawsuit. Ms. Kelly wrote a witness statement detailing the assault, and that put a target on her back from Kent Hardy. From that point forward, Kent Hardy appointed Ms. Kelly to load the UPS trailers indefinitely, which is the most undesirable position and the one with the least seniority gets placed there. While being stuck in purgatory of trailer loading, employees with less seniority were promoted to drivers, which is the position Ms. Kelly sought for. The following year, Ms. Kelly was told by Union Steward Breck Hicks that Kent Hardy has a target on Ms. Kelly's back, and Kent Hardy is actively looking for reasons to terminate Ms. Kelly.

102. In December 2018, Ms. Kelly hurt her knee on her job during a reload shift. This injury led to a knee replacement. These medical bills should have been covered by workers' compensation, but Kent Hardy refused to turn in the appropriate paperwork.

103. In 2019, Ms. Kelly started the process of becoming a driver by going to driving school. In normal UPS protocol, the process to become a driver should have taken only 30 days post-training. For Ms. Kelly, this process took over two years.

104. In December 2019, two employees with less seniority were drivers, but not her. She filed a grievance, which then led to her being allowed to drive. Later that month, Kent Hardy disqualified her from driving for failure to communicate as she did not answer her phone while driving. Kent Hardy told Ms. Kelly that he knew the disqualification "was going to hurt." Kent Hardy angrily expressed his displeasure to her with for filing grievances by yelling at her for "filing another grievance."

105. From June 2022 – July 2022, Kent Hardy continuously harassed Ms. Kelly by adding more stops to her route than the route normally had, which would keep her out later than any other driver. After Kent Hardy orchestrated another disqualification, this route was reduced

1 when another driver drove the route.

2 106. This culminated in Kent Hardy firing Ms. Kelly for “dishonesty” on July 18,
3 2022. After filing grievances with UPS and the EEOC, she was rehired with an anticipated start
4 date of August 22, 2022.

5 107. Due to Kent Hardy’s actions and UPS’s inactions, Ms. Kelly has suffered
6 financial instability from going to driver pay to part-time reload pay every few months.
7 Anticipating retaliatory actions by Hardy often causes her anxiety, as did changing schedules
8 every few months. There have been over 27 people that have passed her in promotions even
9 though she has years of seniority. All because Ms. Kelly testified about the assault that she
10 witnessed perpetrated by Kent Hardy.

11 108. Kent Hardy has repeatedly insulted Ms. Kelly with questions like “have you been
12 dropped on your head?”

13 **I. FACTS ALLEGED RE: LOPEZ, SONIA**

14 109. Plaintiff Ms. Sonia Lopez was hired by UPS on October 21, 1999. At present,
15 Sonia Lopez is an employee employed at the UPS Hub in Oakland, in the Small Sort Area as a
16 bagger.

17 110. Sonia Lopez has dedicated 22 years of her life to UPS tirelessly. When she started
18 her employment back in 1999, Plaintiff Lopez was earning nine dollars and eighty-five cents an
19 hour (\$9.85) when she began working at UPS and is currently earning thirty dollars and forty-
20 four cents (\$30.44).

21 111. Sonia Lopez tore her shoulder rotator cuff back in 2017 while under UPS
22 employment. She had to undergo surgery on August 25, 2018. This injury required Plaintiff
23 Lopez to undergo multiple physiotherapy sessions and wear shoulder braces to aid in her day-
24 to-day activities. She was in constant pain, considering the intensity of the injury.

25 112. Plaintiff Sonia Lopez was able to go to work in April 2019 after being out on
26 injury for close to more than a year.

27 113. Plaintiff Sonia Lopez’s supervisor Ricardo Moreno constantly singled her out for
28 whatever reason. As far as he was concerned Sonia Lopez would never do anything right.

1 Ricardo Moreno would constantly be asking her to clock out or watching her as she worked.
2 Her sorting area was constantly heavy compared to the men's area where they were allowed to
3 be on their mobile phones, either sitting down or sometimes fast asleep.

4 114. In addition to being pushed to work in heavy sorting areas despite her shoulder
5 injury history, her male colleagues were constantly being allowed to work in lighter areas
6 whether they had doctor notes or not. The men would be given preference to work the easiest
7 workloads.

8 115. Ms. Sonia also states that her male colleagues never needed to check in with their
9 supervisors for assignments but the ladies had to. As far as work assignments were concerned,
10 the female workers were always being moved to give way to the men.

11 116. Whenever the male colleagues at the Oakland hub Sonia Lopez worked came in
12 late, the Supervisors would properly clock them in, unlike the women who would be harassed to
13 clock in and clock out.

14 117. Sonia Lopez further states that she has experienced tremendous harassment and
15 discrimination from her Supervisors especially with regard to loads and her injuries. They never
16 wanted to consider the fact that she had a shoulder injury that was still problematic but would
17 always excuse any male colleagues who came in with any form of physical injury.

18 118. During the height of Covid-19, Sonia Lopez discovered that half of management
19 had been infected with Covid-19, but they were not informing the employees, neither were they
20 enforcing masks at the job.

21 119. Sonia Lopez has had to make a police report to attain a workplace violence
22 restraining order. She felt unsafe because some of her colleagues were openly threatening and
23 harassing her and went ahead to threaten to beat her up outside of work. Unfortunately, despite
24 her supervisors knowing this, they refused to file a police report .

25 120. In conclusion, Sonia Lopez has been harassed continuously and singled out at
26 work by her supervisors. The Intimidation and heavy discrimination has made her work
27 extremely difficult. She has always been pushed to work in heavy bagging areas despite her
28 well-known condition.

1 121. Her superiors at work seem to be constantly favoring her male counterparts,
2 whether it's on work assignments, check in time and clocking in or being excused when they are
3 slightly injured. This has made work very hostile and stressful for her.

4 **J. FACTS ALLEGED RE: MATTHEWS, LESLEY**

5 122. Ms. Lesley Matthews alleges harassment, gender discrimination, equal
6 opportunity discrimination, and breach of contract stemming from the behaviors by Kent Hardy
7 and others in management. Ms. Matthews has served approximately 4 years at UPS from
8 August 2018 to the present.

9 123. Kent Hardy has repeatedly harassed Ms. Matthews regarding her being pregnant
10 while working for UPS. Kent Hardy said to her that UPS doesn't care about her family or her.
11 He tells her that she just has to do the job that we need you to do. The "job" that Kent Hardy
12 wanted Ms. Matthews to do extended far beyond what was in her job description. Kent Hardy
13 would request that she go through personnel files as if she was in HR, which she was not. Ms.
14 Matthews voiced her concerns that she was being asked to invade her co-workers' privacy, but
15 Kent Hardy demanded that she press on as he had requested.
16 Further, because she was a woman, Ms. Matthews had been passed over by male co-workers
17 even though she enjoys seniority over them.

18 **K. FACTS ALLEGED RE: MCGARY, BROOKE**

19 124. Plaintiff Ms. Brooke McGary was hired by UPS on July 31 2019, for the position
20 of Part Time Hub Supervisor for the UPS hub located at 355 Vista Blvd Sparks Nevada 89434.

21 125. McGary worked at UPS for over two and a half years, she began working as a
22 twilight shift supervisor making \$18.45 an hour. When McGary first started at UPS, she
23 imagined a long career there with career advancement, better pay, great benefits, and a team to
24 work side by side. When she began work, her supervisors were Chris and Ian, the latter being
25 her main supervisor. Both supervisors provided little guidance and training to McGary. From
26 August 2019 through January 2020, McGary had to teach herself the job by reading through the
27 methods and adjusting her work and activities to accommodate other employees. At the
28 beginning of 2020, McGary was moved to the front end and her new supervisor was Scott. As

1 time passed, McGary's subordinates were behaving disrespectfully and would not do their
2 work. One of the subordinates told McGary to "go fuck yourself", McGary told Scott about
3 what had happened and Scott defended the subordinate by saying "Oh, he's just having a bad
4 day."

5 126. July 2021 McGary enrolled her son in preschool and needed to switch from the
6 twilight shift to the day shift to work around her son's new schedule. McGary had cleared the
7 shift change with Scott and with the day shift supervisor, Eric. The change in work schedule
8 was supposed to start in September 2021. When Ian found out that McGary was switching from
9 the twilight shift to the day shift, he became angry. He would not acknowledge McGary at
10 work, would not talk to her, and told her he wanted to fire her. This resulted in a hostile work
11 environment for McGary. McGary made the shift switch in late September 2021, and
12 immediately began having issues with subordinates. One of her subordinates told her they did
13 not respect her or her position and would only listen to Eric, not her. The work environment is
14 controlled by the union, and her supervisors did not support her so they passed along this matter
15 to the union. McGary has made numerous attempts to ask for assistance and training, all went
16 ignored. McGary has seen her male coworkers ask for assistance or training, and they receive
17 the help immediately. McGary also has seen other female supervisors also ask for assistance or
18 training and these supervisors also get ignored. It is to McGary's understanding that UPS lacks
19 support for their female staff, this is part of the UPS culture, and this creates a hostile
20 environment for women staff.

21 127. After two and a half years of work, McGary's hourly rate went from \$18.45 to
22 \$20.90, an increase of \$2.45 per hour over the course of roughly 30 months. She was told that
23 the raises are based off performance reviews, and all her performance reviews have been high,
24 positive, and a solid performance and she was being ranked at a 4. It came to the attention of
25 McGary in the summer of 2021 that the new hires in the same position as McGary were given a
26 starting hourly rate of \$22, \$1.10 more per hour than her current wage.

27 128. McGary had asked and advised her supervisors, including her previous twilight
28 shift supervisor, countless times that she was willing to work additional hours, because she is a

1 single mother and needed as much income as she could get. Since she switched from twilight
2 shift to morning shift, McGary was asked two times to work an additional shift. Meanwhile her
3 male coworkers, one with higher seniority than her and the other with less seniority, these
4 coworkers are asked by the twilight supervisors; Ian, Andrew, and Colton daily to work
5 additional hours or additional shifts. If these male coworkers do not accept the additional shift
6 or hours, McGary is still not offered the hours and the employees will be working without a
7 supervisor. McGary has questioned why she was not being offered these additional shifts.
8 McGary is told that corporate does not want part time supervisors working over eight hours a
9 day, but McGary is aware that her male coworker's area also part time supervisors, and they are
10 still asked to work additional shifts. McGary knows other female supervisors that are also part
11 time, that are also not offered to work more shifts, while their male counterparts are offered
12 more hours to work. This confirms McGary's suspicion that UPS discriminates against their
13 female employees.

14 129. In 2020 McGary supervisor Ian offered her a full-time position. She delightfully
15 agreed and then never heard anything from Ian again. McGary noticed that four male and one
16 female counterpart were promoted to full-time positions that these workers were not
17 experienced in, but McGary did have the experience necessary to handle the full-time position.
18 A different female coworker that was in a similar position as McGary, asked Eric why herself
19 and McGary had not been considered for a promotion to full time. Eric replied that both ladies
20 needed to be less emotional and sterner. This was the first time that McGary had received this
21 type of criticism. These criticisms are unfair gender stereotypes. UPS allows for their workers to
22 treat the women counterparts as inferior, and to disrespect them. As a result, McGary and her
23 female coworkers are openly disrespected by supervisors and subordinates.

24 130. As a result of the harassment and discrimination, McGary started looking for
25 other job opportunities. Eric knew this was happening and questioned McGary several times
26 when she was going to submit a resignation notice. McGary had her last physical workday with
27 UPS on March 4, 2022.

28 //

L. FACTS ALLEGED RE: MCKAY, MELISSA

131. Ms. Melissa McKay alleges harassment, gender discrimination, equal opportunity discrimination, breach of contract, and sexual harassment stemming from the behaviors by Kent Hardy and others in management. Ms. McKay has served over 26 years at UPS.

132. In 2013, Kent Hardy cursed out Ms. McKay.

133. In early 2021, while her mother was in hospice and dying, Ms. McKay applied for FMLA to care for her mother. While that was pending, Ms. McKay submitted a doctor's note to Kent Hardy detailing that her mother had approximately two weeks to live. Kent Hardy called to yell and scream at Ms. McKay for not securing FMLA and demanded that she return to work. Ms. McKay chose not to return to work to care for her mother. Kent Hardy called her every day and told her to "get her ass back on the truck" or he would give her warning letters or even terminate her.

134. In March 2021, Kent Hardy declared in front of 42 drivers that "before [he] retire[s], there are a couple I'm coming for and I'm gonna get blood." This threat was aimed at Ms. McKay.

135. In June 2022, Kent Hardy allegedly changed Ms. McKay's stats which had cost her money.

136. Ms. McKay has received text messages from Kim Holman, a Teamster representative, confirming that Kent Hardy has a "hatred toward women" that Ms. Holman does not understand why Kent Hardy has this much animosity and hatred towards women.

M. FACTS ALLEGED RE: NACOLE, KES

137. Plaintiff Ms. Kes Nacole was hired by UPS on October 19, 2021, for the position of Part time Preloader for the UPS hub located at 335 E Arby Road Las Vegas, Nevada 89119.

138. Nacole started her journey at UPS, but it quickly ended due to multiple occurrences of sexual harassment. Shortly after Nacole was hired, Corey Patterson began sexual harassing her. The first incident was on October 22 2021, only three days after Nacole's hire date. On this day, Patterson was standing on the opposite side of the belt Nacole was working on. He was clapping for a prolonged period of time making it seem like he was proud of the

1 preloaders. While Patterson is doing this, he is staring, gazing and leering at Nacole's body for a
2 long period of time, these stares were making Nacole very uncomfortable. Ahroni Scott
3 witnessed this happening and wrote a witness statement on behalf of Nacole.

4 139. The next incident with Corey started right when Nacole clocked in for a shift.
5 Patterson again was staring at Nacole's body while standing above her on a set of stairs.

6 140. After work one day, Nacole was walking to her car when she noticed Patterson
7 staring at her yet again. He was watching her walk to her car, he now knew which car belonged
8 to Nacole.

9 141. Another incident occurred when Nacole was eating a snack and loading up trucks
10 410, 411, and 412. Patterson approached her and commented on the food she was eating, while
11 looking up and down at her body. This made Nacole feel very nervous. Nacole ran and hid
12 inside one of the trucks she was loading, she hid until Patterson walked away. Another
13 coworker witnessed this happening, Michayla Miller, Miller stated that Patterson has also come
14 up to her at work. He was only stalking, harassing, and intimidating the women at work, thus far
15 Nacole and Miller.

16 142. Nacole is aware of a separate incident with Patterson and a different female
17 worker. This other worker was sexually assaulted by Patterson, he had touched and grabbed her
18 rear end. This woman made complaints to UPS, and she told Patterson's wife. UPS is now
19 actively aware of the harassment and assault made by Patterson to other women and UPS still
20 decided to keep Patterson employed. They excused his behavior because he is a union member.
21 The only thing UPS has done thus far regarding Patterson is move him to a different work area,
22 still at the same hub location. UPS is allowing Patterson to sexually assault and harass the
23 female employees. UPS has a duty to protect their employees, which they actively fail to do.

24 143. Nacole needed to go into the office at the UPS Hub to pick up a check that was
25 adjusted due to multiple hours missing. She has asked for this to be fixed for weeks when it was
26 finally ready. When Nacole went into the office, Patterson was there speaking to a different
27 female employee. Nacole told Patterson that he was creeping her out and he needed to leave her
28 alone. Patterson acted like he did not hear Nacole. Nacole also told the manager in the office at

1 that time that Patterson was a problem for Nacole.

2 144. November 9th, a coworker of Nacole's, nicknamed Blue, was having a
3 conversation with Patterson at the end of the belt Nacole was working at. Nacole told Blue that
4 the longer Patterson is there, the longer he stares at Nacole. Blue asked Nacole if Patterson
5 made her uncomfortable and bothered her, Nacole nodded yes. Blue told Patterson that his
6 presence was making Nacole uncomfortable. While Blue had this conversation with Patterson,
7 Nacole hides in a UPS truck close by. Nacole can see Patterson walking around the belt she is
8 working at, he is looking for Nacole, looking to intimidate her.

9 145. November 11th Nacole was moved to a different belt, belt seven. As Nacole was
10 loading her trucks 709, 710, 711, and 712, she noticed Patterson pacing around belt seven. A
11 male coworker, LaRon told Nacole that Patterson frequents this area, but when he, Patterson,
12 spotted Nacole working on belt seven, he had not left the area. The manager in this area came
13 over and complimented Nacole on her work, Nacole thanked him and asked if he could keep
14 Patterson away from her. At this point Patterson is clearly following Nacole. The manager
15 responded that Patterson gives him problems as well, and that Patterson has a mental health
16 problem. Nacole entered one of her trucks mentioned above, to load the packages in numerical
17 order on the right side of the truck. As Nacole is loading things into her truck, all of a sudden
18 Patterson jumps into the truck through the right driver door. Patterson was not saying anything
19 but had an eerie deviling grin on his face. Terrified for her safety, Nacole tried to exit the truck
20 but Patterson was cornering her in. Finally, Nacole ran out through the back loading area of the
21 truck, as she was running away she ran into her coworker LaRon had witnessed this altercation,
22 he was walking over to the truck to bring packages to Nacole. There is a working camera in the
23 truck that will confirm this harassment and potential assault of Nacole, this incident happened
24 roughly after 5:30 AM. Nacole is terrified for her safety, she wonders if Patterson behaves this
25 way knowing there are cameras around, what will he do when there are no cameras or people
26 around?

27 146. November 12th Nacole reported Patterson to her supervisor Thomas James.
28 Patterson's actions are causing Nacole emotional distress to the point that she had to seek

1 counseling and was prescribed medication.

2 147. November 13th, Nacole found out that Patterson has done the same harassment,
3 stalking and intimidation to another female employee. Patterson has yet to be disciplined, the
4 only actions UPS takes is moving Patterson to a different work area at the same hub.

5 148. November 17th Nacole reported Patterson to UPS Corporate office, phone
6 number (800) 220-4126. November 19th around 4:30 AM, Patterson once again is stalking and
7 staring at Nacole, even though he knows she reported him for sexual harassment. Due to the
8 reporting of sexual harassment, Patterson was not allowed to be near Nacole or alone in her
9 work area if he was not assigned there. Patterson tells Nacole that he is 'untouchable because he
10 is in the union' he says this in front of Devon Fedrick, Will Pham and Michayla Miller. Nacole
11 called her supervisor Thomas, Thomas arrived with another male coworker and Patterson went
12 to hide in the back of the area Nacole was in. Thomas then asked Nacole how seeing Patterson
13 made her feel. This question is unnecessary to ask, as the answer is blatantly obvious and has
14 been mentioned multiple times already. Nacole's supervisors, managers, and bosses are all
15 aware that she has started taking anxiety and anti-depressants because of the harassment from
16 Patterson. Nevertheless, Nacole told Thomas that she felt her heart stop when she saw Patterson
17 approach her. Thomas tells Nacole that Patterson will be held accountable, but then continues to
18 ask Nacole, "What do you want me to do? It's a question. What do you want me to do?" It is
19 clear that UPS has no protocol for handling sexual harassers and assaulters, and they are aware
20 of the situation their female employees are in and choose not to help.

21 149. When Nacole first told Thomas about the harassment, intimidation, and stalking
22 from Patterson, Thomas told Nacole that she is 'a very pretty woman in a male-dominated
23 facility.' Thomas is blatantly making excuses for Patterson's actions.

24 150. On the day that Nacole reported Patterson again, November 19th, her car was
25 vandalized with paint outside of UPS. This was discovered at about 9:00 AM. Nacole had
26 contacted Ron in security regarding the cameras in the parking lot, one in particular was pointed
27 right at Nacole's car. Ron never got back to her regarding the video.

28 151. November 22nd Nacole was wrongfully terminated by Thomas James. Kade, who

1 is the manager for belt eight, Thomas, and Sebastian, who works under Thomas, told Nacole
 2 that she was being moved to a different part of the building and she could choose between belt
 3 seven or eight. Nacole was having flashbacks to when Patterson followed her into the truck
 4 when she was working at belt seven. Nacole told Sebastian and Kade that she was scared and
 5 didn't want to work near Patterson. Kade and Sebastian walked Nacole back to Thomas,
 6 Thomas told Nacole to choose either belt seven or eight to work at or she will be fired.
 7 Reluctantly, Nacole said she would work belt eight, even though that is close in proximity to
 8 Patterson and the belt moves much faster than she is used to. Thomas then tells Kade and
 9 Sebastian, "Nah, you know what, walk her in the office, she's fired". Nacole told Thomas that
 10 she would work belt eight, and he fired her anyway. The building manager Kim was made
 11 aware of the vehicle vandalism and the termination via text from Nacole, Kim simply
 12 responded, "I will check into it. Just got back from vacation". There was never any follow up.

13 152. It is undeniable that UPS does not respect or care for the safety and wellbeing of
 14 their female employees. When Nacole made multiple complaints and reports about Patterson,
 15 UPS did not provide her any assistance or support, they simply fired her so the complaints and
 16 reports from her would stop. UPS defends their harassers and keeps them employed, while
 17 firing someone who is not safe at work.

18 **N. FACTS ALLEGED RE: NANTHAVONG, SAYSAMONE**

19 153. Plaintiff Saysamone Nanthavong, was hired by UPS on October 23, 2017 for the
 20 position of an On-Road Supervisor helper, for the UPS hub located at, 8400 Pardee Drive,
 21 Oakland, CA 94621. Nanthavong has worked at UPS for a total of 4.69 years. Our client has
 22 seen repeated gender-based discrimination and compensation discrimination during her time
 23 there. Nanthavong describes management as an inner circle "boys club" that excludes her due to
 24 her gender. In 2018 Nanthavong filed an equal pay claim which proceeded to be ignored.
 25 Proceeding this Nanthavong was demoted for complaining about her male colleagues.
 26 Nanthavong was later placed on leave, which she believed was to encourage her to quit.
 27 Nanthavong has filed complaints to UPS corporate who have been investigating the allegations.
 28 Nanthavong alleges that upper management is protecting the individuals being investigated.

1 154. Nanthavong was promoted in the Oakland building in October 2018 to On Role
2 Supervisor. Nanthavong's pay was \$7,500. Marlo Austin and David Warren promoted her. In
3 her first week, June 2019 she put in a transfer to Ceres, CA as it was closer to home in Stockton
4 and she had 16 to 17 hour shifts along with a roughly 5 hour commute. Asked Marlo Austin.
5 Was moved to Ceres CA and Marlo Austin said that if she did move there her pay would be
6 demoted to roughly \$7,100. Nanthavong took the job still. In July of 2019 Nanthavong found
7 out a fellow employee who was promoted in 2018 as well was making approximately \$98,000
8 compared to Nanthavong's \$87,000. Reached out and tried to find an attorney to help her with
9 the pay discrepancy but the attorney turned her down after working with her for two months.
10 Nanthavong felt like there was nothing she could do. Her manager proceeded to send her to
11 various other buildings in San Jose, Fremont, and other facilities around the Bay Area.

12 155. In August of 2019 she got into an argument with Michael Trosian the District
13 Manager in Sunnyvale while she was there helping them out. Trosian talked down to her and
14 insulted her in front of other employees and made her look stupid. She stood up for herself and
15 told him off. Nanthavong proceeded to call Marlo Austin and stated that she was being
16 discriminated against and that she was not comfortable working in that building any more.
17 Nanthavong went to the Lakethrope Building UPS and filed a report about the incident and how
18 she was treated. She never got any response. In September 2019 Marlo Austin called
19 Nanthavong telling her she would email her documentation to sign. The documentation stated
20 that Nanthavong accepted something that she was not sure but felt pressured into signing it.
21 Claimed that the company credit card that Nanthavong received in October 2018 when she was
22 hired and questioned all of her purchases and claimed she didn't have receipts which she did.
23 Nanthavong needed DM to approve it on the expense report. April 2019 Security questioned her
24 and made her write a statement saying she accepted fault and as such would be denied pay
25 raises and MIP (bonuses) for 2 years. Nanthavong did not know raises and MIP would be
26 denied until 2021 and Marlo Austin said that she needed it to keep her job. MIP bonuses can
27 amount to over \$11,000 every year. Nanthavong was crying and felt like she was doomed in this
28 job. She felt extremely punished and did not know why on top of having to do the same job as

1 others for less pay and constantly moving around, other people in her role do not move nearly as
2 much, she was the only one of 5 on road supervisor that was sent to other facilities and felt like
3 she couldn't talk back without punishment

4 156. Clint Robinson was her boss and when she questioned him about being moved, he
5 said it was because she was the lowest seniority. Tavares Calos (678 446-2182), another On
6 Road Supervisor, was a witness to Nanthavong talking to Clint Robinson. Tavares felt like
7 Nanthavong was being picked on for being the only woman On Road Manager. Nanthavong felt
8 it was Mike Trosian. Senior Manager Clint Robinson told the On Road Supervisors they
9 couldn't leave until 1800 because the president of UPS Josh Needle said to despite being told
10 they could leave at 1400. On December 24, 2019 at around 1400 Tavares got into an argument
11 with Clint Robinson. Nanthavong went into the office after hearing them scream at each other.
12 Nanthavong backed up Tavares and said to call HR. Robinson kicked a bucket across the room
13 and Nanthavong felt scared. Tavares called Liz Hezington and explained what happened in the
14 hopes of her telling Clint Robinson to knock it off. Nanthavong felt like the repeated arguments
15 created an extremely hostile work environment and she was crying and felt unsafe working
16 there.

17 157. January 2020 Michael Dunn from District HR and Hayward Cook HR Manager
18 came to the building in Ceres. They asked who was a witness and Nanthavong was the only one
19 to come forward, the others did not want to be a part of it. Nanthavong was then called into the
20 office and told them everything with the yelling and her boss kicking a trash can and how she
21 felt scared. Nanthavong did not hear that anything came of this. Tavares moved in May 2020
22 and still works for UPS, he would leave UPS on May 26, 2022 due to his position being cut.
23 She still has not heard anything from the investigation done by Michael Dunn and Hayward
24 Cook.

25 158. From May 11 – May 18 Nanthavong was supposed to be on vacation, but on May
26 12 received a phone call from Omar Para who was taking over for Clint Robinson while he was
27 on vacation. Omar questioned why Nanthavong wasn't in and told her she wasn't on vacation
28 and Nanthavong found her email confirming her vacation had been deleted. Bryant Carlos,

1 another On Road Supervisor, told Nanthavong that Clint Robinson deleted her email confirming
2 her email, because due to the pandemic they were shorthanded and needed her. Nanthavong
3 went in on May 13, 2020, and took a route at approximately 1330 she a man with a knife
4 jumped in her truck. He told her to take off her clothes. The rear exit was blocked due to the 300
5 packages contained within. Nanthavong managed to escape in a panic but left her phone in the
6 truck. She was looking for help but was in an unsafe neighborhood. She went back to her truck
7 to retrieve her phone. She called her manager Clint Robinson who just got back. Robinson
8 asked if she was okay, she said yes because she was not injured, and he told Nanthavong to
9 finish the route. He did not tell her to file a report or call the police or anything. Nanthavong
10 was traumatized but still finished the route at 2300. She felt her boss abandoned her and was not
11 concerned about her wellbeing. On May 14, 2020, she called Clint to try to talk about the
12 incident, but she could not find or contact him. Nanthavong was then scheduled to run the same
13 route the following day. On May 15, she finally got in contact with him, but he told her they had
14 a lot of routes to get done. Nanthavong was trying to call in sick as bruises from the incident
15 had gotten to her and made her not feel well, but she was told she had better come in.
16 Nanthavong called the police, and the police were shocked her boss did not want to make a
17 report. Nanthavong made a report to the police and sent them images of her bruises and they
18 told her to go to the hospital. On May 17 Nanthavong went to Kaiser Hospital in Stockton and
19 saw Doctor Alberto Saludes Del Pilar. The doctor was astonished by her boss and wrote her a
20 medical leave form for a few months off and requested that she see a mental health specialist.
21 Nanthavong was off from May until August; she was still paid despite UPS trying to get her
22 back to work by having her check in every week with a Doctor they hired.

23 159. In August of 2020 Rea Renee took over as HR Manager and told her she was able
24 to come back to work but said she refused to go back to Ceres as she was afraid of her boss and
25 his lack of care and empathy. On August 12, 2020 she returned to work at her new location in
26 Stockton. Jed Well was her new Senior Manager whom she was supposed to report to.
27 Nanthavong tried to move forward with her life and focus on her work. Clinton Nixon, a driver
28 in Stockton, was the Godson of Marvin Hanson, the new District Manager, and therefore felt

1 like he couldn't be touched. On October 2020 Nanthavong was sent to Angels Camp UPS
2 facility to do a safety ride. A manager called Adam Banks. The ride was finished around 2030
3 PM, but she saw a box of uniforms in the hallway. She grabbed one to give to a driver the next
4 day. The next day Adam Banks sent a group text asking who took the uniform but she was too
5 busy to check the message until later. Nanthavong didn't say anything and nothing came of it.
6 December 8, 2020 Nanthavong brought a box of Oreo Cookies to share at the office, and Nixon
7 said "So you're the one who brought Covid to the office". The same day Senior Manager Jed
8 Well called her into the office and thanked her for bringing food to share, but Marvin Hanson
9 had yelled at him for Nanthavong bringing food into the office. Nanthavong believes that Nixon
10 called his Godfather Marvin Hanson, who then yelled at Jed Well. Nanthavong had never had
11 any serious issues with Nixon prior however, due to the position Nixon was in with his
12 Godfather being the District Manager, he would often ignore authority, and managers, including
13 Jed Well, had trouble giving him direction.

14 160. December 18, 2020 Nanthavong received another group text about a uniform
15 again. On December 22, 2020 at 1250 PM Jed Well told her that UPS security wanted to talk to
16 her. At 1320 she was questioned by Christine Vahai who asked her about the missing uniform.
17 Nanthavong talked to her from 1320 to 1630. Nanthavong wrote a statement saying that she
18 didn't think it was a big deal and that she was sorry. At 1755 Jed Well called her into the office
19 and Marvin Hanson was there and told her that she would be placed on a leave of absence and
20 that she wouldn't be allowed to contact any other employees and there would be consequences
21 if she did. December 24, 2020, she called the UPS hotline about the discrimination she felt she
22 was being harassed and discriminated against and filed an online report. She never got any
23 response. Was on leave from December 22, 2020 – March 30, 2021. Nanthavong texted Jed
24 Well every week asking when she could return to work. She was still paid while off, and wanted
25 to know who authorized it as she felt she might get in trouble for it. Nanthavong felt like Marvin
26 Hanson was out to get her.

27 161. Marvin Hanson, on March 29, 2021, called Nanthavong to talk about returning to
28 work. Marvin Hanson wasn't there on the 29th but Ryan Perrault, the acting DM was.

1 Nanthavong was told that they found no reason to terminate her and wanted her back on, but she
2 couldn't be in the same building due to previous confrontations and they promoted someone
3 else to Nanthavong's position. Nanthavong felt betrayed as her job was stolen and she needed to
4 be moved. Nanthavong was told she would be moved to the Lathrop Building and her MIP and
5 raise would be removed. Michelle Cooley, who was part time HR, told her that it was protocol.
6 Perrault told her to sign a document stating that she would get MIP, but she refused. She felt
7 that she was being threatened and felt like if she hadn't done anything wrong they would have
8 fired her.

9 162. March 31, 2022 she reported to Justin Minor, the Senior Manager, at the Lathrop
10 facility. Nanthavong was called into Minor's office with the other On Road Supervisors and
11 said that the other On Road Supervisors were the best of the best and that she would be working
12 1300 until the last drive was in from Tuesday to Saturday, and that she would not have her
13 normal duties and would instead just check trucks and had minimal authority. She felt like
14 Justin Minor and Marvin Hanson had talked and that she was not supposed to be respected or
15 given anything to do. Nanthavong felt like they were trying to get her to quit, and she was in
16 tears every day. April 8, 2021 at 1447 Justin Minor called her into his office. He wanted to
17 know why she was late bringing an air package to the Airport the previous day, which was due
18 to it being her first-time delivering Air. She told Justin that she had been there a week and he
19 had not even tried to even learn her name. The two of them got into a big argument where
20 Nanthavong asked if he was trying to get rid of her. While this was happening her son called her
21 via facetime causing the conversation to be recorded. Minor told her that she could be
22 terminated and called the other On Road Supervisors into the office. Minor called the others in
23 seemingly to intimidate and embarrass Nanthavong and she was in tears. They yelled at each
24 other back and forth and Nanthavong felt it was on the verge of getting physical. Ryan Perrault
25 walked and proceeded to do nothing despite having authority to stop the extremely heated
26 argument. A Won Lor, a driver, overheard the entire conversation and saw her in tears and
27 asked her if she was okay as she was leaving. Nanthavong told Minor she was being treated like
28 an animal and asked him to fire her. It was extremely unprofessional of him to bring in

1 everyone to the incident.

2 163. Ryan Perrault asked if she was going to quit that she needed to talk to Renee Rea,
3 the HR Manager, and the two of them went to see her and calm down Nanthavong. Perrault told
4 her to go home and calm down and come in tomorrow. Renee felt like she was on Perrault's
5 side and that she wasn't being discriminated against and that Nanthavong was overreacting.
6 Nanthavong felt like Renee, Perrault, Justin Minor, and Marvin Hanson, were friends who were
7 against Nanthavong and refused to hear her out. On April 9, 2021 there was gossip around the
8 office that Nanthavong had been fired. Nanthavong called the 1(800)-discrimination number
9 again to complain about what happened the previous day. They never got back to her.

10 164. On May 26, 2021, Justin Minor promoted Alfonso Ramirez, a previously part-
11 time employee, to the position of On Road Supervisor. He was part \$22.61, and was promoted
12 to \$ 7,640. Ramirez had been working at UPS for approximately the same time as Nanthavong.
13 Ramirez was given control over a driver group after another On Road Supervisor had left.
14 Nanthavong still had no driver group to oversee despite being in the position first with more
15 experience in that position and was being paid less than Ramirez at \$7300. Justin Minor was not
16 treating her like an On Road Supervisor and was moving her to different locations every day.

17 165. On July 26, 2021, Justin Minor was moved to San Ramon, and was replaced by
18 Adam Banks, which felt like more of the in-group coordinating against her. Adam Banks was
19 the manager who was angry about the single missing uniform. On July 26, 2021, Kollin Craig
20 came in as a transfer as an On Road Supervisor and also got a driver group when he arrived. For
21 the second time Nanthavong was not given a driver group and was being treated like a lower
22 rank employee.

23 166. September 2021, Nanthavong brought up her issues with the two new On Road
24 Supervisors being given driver groups to Adam Banks. Adam Banks informed her that Ryan
25 Perrault and Marvin Hanson told him to do this. When asked about the pay discrepancy Banks
26 said to ask Perrault. Perrault then said that he didn't give out packages and that it was Renee
27 Rea in HR. Instead Nanthavong emailed the director of HR Darren Moore from September
28 through October 2021. On January 13, 2022, Nanthavong was supposed to have a meeting with

1 Darren Moore but instead Ryan Perrault, Renee Rea, and Deniece Mosqueda, who was in
 2 security, were at the meeting and not Moore. When asking Renee about the pay rate Renee
 3 responded by stating “you know what you did”. Nanthavong stated that she did not know, and
 4 Renee and Perrault proceeded to dodge the question. They said that they would not fix the issue.
 5 Wilburn Tallor, a part time HR, called her with Adam Banks on speaker to get her to sign a
 6 form to take away Nanthavong’s pay raise and MIP. This was the same form they attempted to
 7 get Nanthavong to sign on March 30, 2021. Tallor threatened Nanthavong by stating that if she
 8 didn’t sign it she could be placed off work until future notice. When asked who sent her, Tallor
 9 stated that it was just upper management, refusing to elaborate. Despite not signing Nanthavong
 10 continued to work.

11 167. In March of 2022, when everyone got their MIP pay Nanthavong did not receive
 12 hers and Alfonso Ramirez got both an \$11,723 MIP as well as a raise to \$8,063. On June 26,
 13 2022, Adam Banks retired and gave Nanthavong his personal phone and said that he didn’t
 14 know why upper management did this to her, implying that there was a conspiracy against
 15 Nanthavong. In July of 2022 Nanthavong was told by a Mary in HR that someone called the
 16 internal UPS support hotline and complained about Nanthavong and Danette Brown.
 17 Nanthavong believes it was Justin Minor who complained. Nanthavong still works at UPS as an
 18 On Road Supervisor despite believing that management is against her.

19 **O. FACTS ALLEGED RE: RANKINS, TAMI**

20 168. Plaintiff Ms. Tami Rankins was hired by UPS on March 15, 1989 for the position
 21 of an International Auditor and Irregular Pick Off, for the UPS hub located at 8400 Pardee
 22 Drive, Oakland, CA 94621. Rankins has worked at UPS for over 32 years. For more than 5
 23 years, two of her fellow employees have verbally assaulted and threatened her. Management has
 24 failed to intervene and has allowed the actions to continue for years. This abuse is still ongoing,
 25 and Rankins wishes that the aggravators be punished for their misdeeds and for equal treatment.

26 169. On September 14, 2017, at 03:15 PM Vince Owens made a comment to Anthony
 27 Washington and another man named Larry that Rankins need keep her ass on the other side of
 28 the unload and stated “Don’t do anything she [Rankins] says because she doesn’t run shit!”. On

1 September 20, 2017, Rankins called Ed Haynes about Vince and his actions and asked Ed to
2 speak with him about what had happened. Following this in October of 2017 Vince continued
3 making various jeers and comments aimed at Rankins during their work. Many of these
4 comments pertained to Rankins' gender such as stating, "tell Anthony next time to have his
5 woman to go get him some cookies", which was referring to Rankins as explained by another
6 colleague.

7 170. On November 2, 2017, Vince gave an insincere apology and Vince stated that he
8 was "not used to working with a lot of women." On November 17, 2017, Vince questioned her
9 seniority despite clearly being the senior employee with almost 30 years of experience. At
10 meetings later in November about the incidents between them Vince, Marty Fretas, Bob
11 Morketter, Moses Young, and Rankins were told to leave each other alone and stay out of each
12 other's way. The following several months did not improve things and saw continued jeers,
13 comments, and other forms of bullying from her colleagues.

14 171. On May 1, 2018, Rankins was called to the office of a superior who questioned
15 why she had not reached out to her if the situation was continuing. Rankins expressed that her
16 past attempts had yielded no results or improvements to her work life and that she had lost faith
17 in the system that was allowing her abusers to get away with it. Rankins was told that someone
18 would be contacting her.

19 172. On May 3, 2018, while Rankins was talking with revenue auditor supervisor
20 Angelica, Vince yelled to Moses that Rankins "needs to stop talking and get back to work" then
21 proceeded to scowl while looking at Rankins. May 10, 2018 had a confrontation between
22 Rankins and Moses, where Moses threatened to physically beat Rankins as well as insulted her
23 for her weight calling her a "fat bitch". Proceeding this Moses continually would walk toward
24 Rankins with his fists clenched and his chest raised in an intimidating manner. Gary Bolden,
25 who was a witness to the initial incident called Dee Carter who then spoke with Rankins.
26 Rankins proceeded to call the Hayward Police and gave Dee Carter the incident report number.
27 On May 10, 2018, at 11:36 PM Rankins called the Oakland Hub Steward Ed Haynes and Dave
28 Warren and, in tears, explained the incident and that she did not feel safe or comfortable.

1 Rankins was told to not report to the building and that there would be a meeting the following
2 day and that Rankins would be contacted.

3 173. At the meeting on May 11, 2018, Rankins felt forced to go as she was threatened
4 to be fired if she didn't attend, despite not feeling comfortable with it. Marty expressed that he
5 was "sick of this shit" and that they had just met in October about the same things. Moses
6 proceeded to exaggerate the story and claimed that Rankins approached him with an orange
7 pole above her head. Rankins brought in James Boyd and Gary Bolden who were witnesses of
8 the incident and stated that Moses was the aggressor. Incidents between Rankins, Vince, and
9 Moses did not improve, and Rankins was not comfortable being around them and did not feel
10 like human resources could help her.

11 174. On May 18, 2018, Rankins was informed that she would be a backup international
12 auditor despite not needing 3 auditors. Rankins was then told that "The company can do
13 whatever they want to." On June 6, 2018, Brandi Vargas told Rankins that she would have to
14 move to Doug McKenzie's spot despite previously agreeing not to have her near International.
15 Rankins expressed to Brandi that she felt she was being harassed and that everyday day there
16 was something new with them and they always wanted to move her around. Rankins was
17 surrounded by three different management personnel with no Union representation and
18 complied, and moved to the other spot. On June 13, 2018 Rankins was moved back to
19 international auditor. Brandi would consistently be worrying about Rankins' whereabouts and
20 what she was doing to a degree which caused Rankins to tell Brandi to stop talking about her
21 without reason.

22 175. On March 21, 2019 at approximately 3:45 PM Rankins went to audit packages
23 when Vince began to unload them before she could. When Eric Fairley told him to wait he got
24 angry and stated "You should've taken that shit down there then!" then proceeded to pick up a
25 box he had thrown on the belt and threw it at Rankins' feet. Later Rankins was called in to an
26 office with Bob Morketter, Tim Brown, and Tom Kelley. Rankins was told that she would need
27 witnesses willing to testify about what happened. On March 22, 2019 Tim Brown gave a PCM
28 on what would and wouldn't be tolerated, and that out of 20 incidents 17 involved the same 2

1 individuals. April and May of 2019 saw repeated incidents with Moses. On September 20, 2019
 2 Rankins had a conversation with Tim Brown where he stated that he felt that Rankins was being
 3 bullied but did not know why.

4 176. On March 12, 2020 Rankins got a call from Angel Dunn from HR and Rankins
 5 informed her of the ongoing situation. Angel stated that she would be there between the 16th
 6 and 17th to speak with Vince, Moses and Brandi. On April 6, 2020 Angel Dunn came and spoke
 7 with Rankins. Angel asked why it had been going on for so long and Rankins stated she didn't
 8 know why. Angel stated that it sounded like someone left the situation for someone else to do
 9 and that Moses and Vine saw that there were no repercussions and continued in their
 10 harassment. Angel apologized on behalf of UPS and stated that this should have been solved a
 11 long time ago, and that this was a hostile work environment. Angel informed Rankins that her
 12 boss and the union would be notified. Angel then spoke to Moses and Vince individually.

13 177. Harassment against Rankins did not stop. On May 20, 2020 Vince called out to
 14 Moses and nodded toward Rankins and made a fat person gesture with his hands in motion. On
 15 May 22, 2020 Vince walked by Rankins leering and taunting. Behavior like this continued daily
 16 for the proceeding months.

17 178. On May 13, 2021 Rankins asked Brandi Vargas what the company policy on
 18 leering was along with James Boyd and Kirk Burk. Kirk Burk explained that Vince had been
 19 doing it to him and James for quite some time and Vargas had done nothing about it. Actions by
 20 Vince and Moses still continued such as with Moses stating to Vince while pointing at Rankins
 21 and stating "Mirror Mirror on the wall, who's the fattest of them all?" with both then proceeding
 22 to laugh.

23 179. Tami Rankins has lost faith in UPS's ability and willingness to solve this issue.
 24 Multiple times over the years she has approached HR and management and each and every time
 25 nothing was done. Discrimination against Tami Rankins continues with no end or help in sight.

26 **P. FACTS ALLEGED RE: RYAN-WILLIAMS, CRYSTAL**

27 180. Ms. Crystal Ryan-Williams alleges sexual harassment, gender discrimination,
 28 breach of contract, and harassment stemming from the behaviors by Kent Hardy and others in

1 management. Ms. Ryan-Williams has served approximately 13 years at UPS.

2 181. In 2009, Ms. Ryan-Williams was sexually harassed by supervisor Quentin
3 Goodwin when she worked at the UPS Hub in Little Rock, Arkansas. Quentin Goodwin is
4 currently the manager there. After refusing his advances, Quentin Goodwin retaliated against
5 her by threatening a potential other employer, which was the Arkansas State Police. This
6 supervisor stated that he knew people with the state police and would ensure that she did not
7 make it through Troop School.

8 182. In 2011, Ms. Ryan-Williams returned to UPS as a full-time driver, and Quentin
9 Goodwin commented that this rehire was the worst mistake UPS ever made.

10 183. In 2011 – 2013, Ms. Ryan-Williams worked for the UPS Hub in Searcy,
11 Arkansas, as the only female driver at that Hub. That manager (not Kent Hardy) was doing
12 everything possible to get her to quit or fire her. She was denied use of her seniority while male
13 drivers with less seniority were allowed precedence over her. She was stuck on the worst route
14 in the center. The manager said as long as they were there, she would never get off that route.
15 Before getting hired on, there as a full-time driver and running that route, they would make the
16 driver stop at the center and get someone to help take them to one specific pick up. She would
17 pick up 200 plus packages, and they were heavy. Some were so heavy that they were banded
18 with pallets, which exceed the weight limit UPS allowed for shipping. The manager refused to
19 offer Ms. Ryan-Williams help with these situations and told her that she was on my own. This
20 led to physical injuries that kept her out of work for 6 months. Following this incident, that that
21 manager retired, which allowed her automatic seniority that she was never allowed to use
22 before.

23 184. In June 2020 while working at the Conway Hub, Ms. Ryan-Williams requested
24 off to take her son back to the surgeon due to a previous infection on his spine. Kent tried to
25 deny her taking off by accusing her of having an attendance problem. She had another manager
26 and a union steward confirm with him that she did not have an attendance problem and they
27 didn't know where he was going with that. Ms. Ryan-Williams did take that time off, and Kent
28 Hardy subsequently disciplined her.

1 185. In late June 2020, Kent Hardy showed favored treatment toward male co-workers.
2 During their Pre-Communication meeting (“PCM”) with all drivers, Kent Hardy congratulated a
3 male driver for finding out they were pregnant with their first child and said there was another
4 male driver out because his daughter was in the hospital. Following that PCM meeting, Kent
5 Hardy approached Ms. Ryan-Williams in front of the other drivers. Her union steward was
6 present and warned Kent Hardy he didn’t need to talk to Ms. Ryan-Williams about taking off
7 because it was established that she, in fact, did not have an attendance problem. Kent Hardy
8 shamed her for having kids and stated, “UPS don’t have kids.” This led to a heated argument
9 which ended when Ms. Ryan-Williams quoted his PCM speech about the 2 male drivers with
10 kids he mentioned.

11 186. Following this altercation, Kent Hardy changed her route and had her running
12 stops that were never on her route. This cost Ms. Ryan-Williams the opportunity to earn
13 bonuses as she was tied up with her original route that was much longer than before.

14 187. Further, Kent Hardy allegedly sabotaged Ms. Ryan-Williams from getting a
15 promotion. UPS preaches that to get promoted, an employee must have a bachelor’s degree or
16 working towards your bachelor’s degree and have driving experience. This is especially for an
17 on-road supervisor position. Ms. Ryan-Williams had the credentials to be a top candidate, but
18 Kent Hardy allegedly made phone calls to poison her candidacy. UPS eventually promoted a
19 part-timer with no college degree and no driving experience instead of promoting Ms. Ryan-
20 Williams.

21 **Q. FACTS ALLEGED RE: WILLIAMS, SAMANTHA**

22 188. Plaintiff Ms. Samantha Williams, was hired by UPS in October of 2008, for the
23 position of a Package Handler, for the UPS hub located at 1380 Shore Street, West Sacramento,
24 CA. Williams has consistently felt harassed, underappreciated, and intimidated by her fellow
25 employees during her time with the company. Williams has been overlooked for promotions in
26 favor of her male colleagues and has seen her complaints about harassment ignored.

27 189. In January of 2016 Williams was repeated criticized and targeted over her male
28 colleagues. On January 26 Williams and several male colleagues were briefly using their

1 phones, but on Williams was criticized for doing so and was singled out among her colleagues.
2 On February 3, 2016, Williams had a male employee position his radio antenna in front of his
3 crotch while making a sexual gesture. Roughly 30 minutes later on Williams' break employee
4 Brian Avery made a similar gesture towards Williams with a large tube package and asking
5 Williams "Oh yeah Sam, is that big enough for you?" On February 4, 2016 Brian Avery
6 approached Williams, Jannette Cobian, and Sean Bjerkel with a tube package, and hit each of
7 them on the head. When asked not to do this Avery stated that he thought it was funny. This was
8 one of many acts of horseplay done by Avery.

9 190. On March 5, 2019 Williams was dealing with an egress issue when she was
10 confronted by her PT Supervisor Matty Ford. The boxes were up to Williams' knees and, for
11 safety, decided to hold the door or hit the transverse button. Williams had yelled that she had an
12 egress issue, but Matty did not want to turn off the belt, and the two began yelling at each other.
13 Williams felt that safety was not a priority and consequently did not feel safe. Matty had also
14 once told another employee, Brian C., to go up and clear the belt. While Brian was on the belt
15 Matty decided to turn it on. When Brian began to yell at her Matty yelled to "don't get your
16 panties in a bunch." On March 4, 2019, Williams witnessed a sorter shut off a belt due to it
17 being jammed with boxes that were piling up thus becoming unsafe. Despite the safety issue
18 Matty yelled at the employee for turning off the belt. On March 25, 2019, Williams was sorting
19 packages that were getting backed up and falling on the floor. Matty approached her and
20 questioned why she was holding up the line and Williams explained that there was an egress
21 issue behind her and she was too overwhelmed to help pick up another sorters egress. Matty
22 proceeded to tell another supervisor that Williams was only sorting small packages despite those
23 being the only ones within reach and taking a large package would knock even more packages
24 onto the ground. Williams was then surrounded by packages on all sides while being blocked by
25 Matty and felt unsafe and targeted. Williams has repeatedly felt unsafe at her job and that the
26 management does not care about the wellbeing of employees.

27 191. On May 19, 2020, Williams witnessed her coworker Elizabeth Blas get sexually
28 harassed by an auditor named Chris. While Williams and Blas were walking someone

1 inappropriately whistled which Blas responded to with “excuse me?!” and the individual walked
 2 away laughing. Williams did not report this for over a week due to her being afraid of retaliation
 3 from the individual and others she had seen him converse with. In September of 2019 Williams
 4 had witnessed another coworker Dolores get harassed when a male colleague state he was
 5 surprised she was doing so well due to her being a woman. Williams reported it and was told the
 6 matter would be handled by HR. In October of 2019 Williams was driving a tug, Chris then
 7 stated that “they should have more girls drive tugs.” On October 7, 2019, Williams was working
 8 in the irregular pit scanning and labeling irregular packages. Chris was upset that Williams had
 9 gotten that position and not him. Chris then went to various manager and supervisor personnel
 10 asking them to put him in, and eventually went to Williams and stated “you don’t have enough
 11 seniority to be working over here. A package driver named Eddie was also pushing packages
 12 further away from Williams and unsafely clustering them causing Williams to have to turn off
 13 the belt. Eddie then yelled “Looks like Chris should be scanning.” This is a clearly hostile work
 14 environment that has caused Williams to fear retaliation from her colleagues as management
 15 refuses to solve any of the issues.

16 192. Williams has also repeatedly been passed up for promotions in favor of male
 17 colleagues with significantly less seniority than her. Nicholas Novelli was hired in 2014,
 18 Brandon Anchetta was hired in 2013, and Malek Mitschan was hired in 2014. All three of these
 19 individuals were promoted to full-time driver before Williams despite Williams being hired in
 20 2008. Williams has been suffering from her male colleagues mocking her with a high pitched
 21 voice and has seen her reports to HR and management get repeatedly unresolved. Samantha
 22 Williams is currently seeing a therapist due to the trauma she has suffered.

23 **R. FACTS ALLEGED RE: YANEZ-DAVISON, CHRISTINA**

24 193. Plaintiff Christina Yanez-Davison was first hired as a Sort supervisor on
 25 March 18, 2011, at the Merced center in Merced California. At the time of her hire she was the
 26 only female supervisor in operations. Within a few weeks into her employment, she experienced
 27 discrimination from male drivers who were extremely rude, threatening to her person and whose
 28 behavior was harassing and intimidating to her to her as a woman. She experienced harassing

1 and intimidating behavior from at least 5 male supervisors and at least 4 union representatives
2 and stewards.

3 194. The list of UPS supervisors who harassed her includes: 1) Jeff Davis (who was the
4 center business manager for the Merced center); 2) Paul Lerma; 3) Dale Minnix; 4) Kristen
5 Bernardi; 5) Krystal Isais; 6) Stacy Sojka; 7) Ramon Collins.

6 195. In July 2021, Jeff Davis came to my home when I was in quarantine and 8 months
7 pregnant without invitation. He accused me of taking company property (Scanners), I had been
8 given permission by the IT to take the scanners home.

9 196. The list of Union representatives and stewards that harassed her includes: 1)
10 Gerald Richardson; 2) Joseph Dalia; 3) Jacob Spiva; 4) Eric Garcia.

11 197. In 2011, Joseph Dalia became Shop Steward. His behavior towards plaintiff was
12 harassing which included, but was not limited to, looking over her shoulder despite the fact that
13 she was a supervisor, and he was not. When the harassment continued, plaintiff made numerous
14 reports to management, and she was dismissed, and management did not do any follow up. At
15 some point Joseph Dalia physically assaulted the plaintiff and even though plaintiff brought this
16 incident to the attention of management nothing was done about this. After this act of physical
17 assault plaintiff was forced to take a leave of absence. She was diagnosed with depression and
18 was placed on anti-depressants. She had to file a restraining order against Joseph Dalia when he
19 raised his hand and assaulted and battered her. The case was filed in Merced County Superior
20 Court, case number 18 CV 03428.

21 **VI. CLASS AND COLLECTIVE ALLEGATIONS**

22 **A. UPS Discriminates Uniformly in the Following Ways: Violation of 23 Northern California Sort Rider Agreement Article 12-Section 6: Time Clocks:**

24 198. The Northern California Sort Rider Agreement Provides:

25 The Employer shall install time clocks. Such time clocks must be kept
26 accurate. Employees shall punch in on such time clocks when they report to
27 work and shall punch out when all work is completed. The Employer shall
28 not alter an employee's timecard in any manner without clearing the
alteration with the employee. Upon request, an employee may inspect the
record of his/her time for the previous day's work. An employee will be
allowed to view the operation report for the current pay period for the
purpose of checking his/her hours worked. The Employer agrees to provide

forms for the employee to record his/her daily starting and ending times. The Company agrees to audit, on a regular basis, to ensure the availability of time clocks in all operations at the same locations as any other device used to record employees' work time. All time clocks shall be converted so as to record time in hundredths. In accordance with Article 12 of the NMUPSA an employee's hours worked, and rate of pay shall be available for review electronically by the affected employee on a Company maintained website.

199. The UPS Code of Business Conduct Provides:

We Support the Use and Protection of Technology. We evaluate emerging technologies to identify areas that may have application in improving and enhancing our competitive position.

We acquire or develop technologies that improve service to customers and our operating efficiency. We properly maintain our technology infrastructure. We develop and implement systems, processes, and procedures to ensure the reliability and security of our technology solutions.

When we develop our own technology, we aggressively protect our investment through patents, copyrights, or confidential treatment of trade secret information.

We do not duplicate any copyrighted work without the permission of the copyright owner, nor do we improperly disclose any information shared with us confidentially.

Accuracy of Records and Reporting. In our jobs, many of us create or prepare some type of information, such as financial reports, accounting records, business plans, environmental reports, injury and accident reports, expense reports, and timecards. We have an obligation to keep accurate and truthful records, which must be prepared in accordance with our commitment to integrity and must comply with applicable accounting procedures and internal controls. People inside and outside UPS expect these reports to be reliable and properly maintained. These people include employees, shareowners, government representatives, auditors, and the communities in which we operate. No one may deviate from our commitment to manage information accurately and truthfully. Our records are maintained for required periods as defined in the UPS Records Retention Schedule ("Schedule"). (Exhibit A)

200. UPS has thousands of hourly paid sorters and associates. Each sorter and or associate is employed at a specific UPS location, including named plaintiffs, sorters and associates: Galena Goins, Esmeralda Gomez, Terry Jones-Jackson, Sonia Lopez, Kes Nacole, Tami Rankins, And Samantha Williams.

201. UPS hired plaintiffs and promised to pay hourly wages for their work. Hourly employees are required to clock in when they arrive at work, clock out when they arrive at

1 work, clock out when they go on a meal break, clock in when they return from meal break and
 2 clock out when they leave for the day. The time keeping system and the procedures for using it
 3 are the same for sorters and associates throughout UPS.

4 **B. UPS Violates Its Time Clock Policy And Code Of Business Conduct.**

5 202. Specifically, UPS failed to maintain working time clocks and did not *Support the*
 6 *Use and Protection of Technology*, and uphold *Accuracy of Records and Reporting* in that it
 7 purposefully does not maintain its clocks in working order. **(Exhibit B)**

8 203. This failure resulted in associates and sorters needing to ask management to enter
 9 their time for them when they arrive at work, clock out when they go on a meal break, clock in
 10 when they return from meal break, and clock out when they leave for the day.

11 204. This puts management in a position of power over the sorters and associates.

12 205. If you are a male sorter or associate management allows you to write your time
 13 down and give it to management for manual entry. If you are a female, you have two choices,
 14 you either have to stand next to the clock until a manager agrees to put your time in or walk to
 15 the other side of the building to clock in and out. This practice amounts to wage theft, and it
 16 diminishes one's ability to take a meal break, and experience the same ease of time entry that
 17 the men receive. This results in a pay disparity that UPS acknowledges.

18 206. Thus, at the direction and control of UPS and to its benefit women are paid less
 19 than men who are allowed to write down how much time they have and leave, whereas women
 20 have to wait for male approval to exit the building even after their shift ends.

21 **C. UPS Systematically Violates the ADA By Telling Women Employees**
 22 **That You Must Be 100% Healthy to Go Back to Work and Only Offers a Reasonable**
Accommodation to Men.

23 207. From 1999 to 2011, Ms. Goins worked in loading and unloading and eventually
 24 moved to small sort after her supervisor verbally assaulted her and she complained to his
 25 supervisor, Drake Holloman.

26 208. Ms. Goins has been employed at UPS for over 20 years. She has seniority and is
 27 entitled to receive preference to work less strenuous jobs.

28 209. Ms. Goins also has had two knee replacements and periodically needs to take off

1 from work due to her knees going out and her back pain.

2 210. From March 2018 to present Ms. Goins has been denied the interactive process
3 and reasonable accommodation based on her disability. From March 2018 to the present, she
4 requested to be placed in the Sorting area and a pad to walk on due to her disability; however,
5 her accommodation was denied.

6 211. With respect to Unity Beddingfield, Sonia Lopez, Leslie Matthews, and Christina
7 Yanez Davidson, these plaintiffs also had a disability which included shoulder surgery in Ms.
8 Lopez' case and pregnancy for the others. This is gender discrimination.

9 212. Specifically, Lesley Matthews alleges harassment, gender discrimination, equal
10 opportunity discrimination, and breach of contract stemming from the behaviors by Kent Hardy
11 and others in management. Ms. Matthews has served approximately 4 years at UPS from
12 August 2018 to the present.

13 213. Her supervisor, Kent Hardy, has repeatedly harassed Ms. Matthews regarding her
14 being pregnant while working for UPS. Kent Hardy said to her that UPS doesn't care about her
15 family or her. He tells her that she just has to do the job that we need you to do. The "job" that
16 Kent Hardy wanted Ms. Matthews to do extended far beyond what was in her job description.

17 214. Said gender discrimination is systematic and borne out by UPS' uniform conduct
18 when women employees seek accommodations.

19 215. Specifically, UPS' policy titled "UPS and the ADA" states, THIS DOCUMENT
20 provides an overview of UPS's commitment to equal opportunity for persons with disabilities
21 and to providing reasonable accommodations under the ADA.

22 216. It is not, nor is it intended to be, a comprehensive description of the ADA or other
23 federal, state or local laws regarding persons with disabilities.

24 217. It continues, "UPS has implemented numerous policies and procedures designed
25 to ensure a workplace that is free from discrimination and provides all employees, including
26 persons with disabilities, with an equal opportunity to succeed. All UPSers, including both
27 management and hourly employees, are responsible for ensuring compliance with these policies.

28 218. To that end, UPS has developed a procedure by which appropriate personnel

1 evaluate any requests or a job-related accommodation in accordance with the ADA.

2 219. Employees who wish to request a job-related accommodation under the ADA
3 should direct their request to the HR Service Center (“HRSC”), their HR Representative, or the
4 manager/supervisor. Once UPS receives the request, the HRSC will send the employee a
5 Request for Medical Information form to be completed by his or her treating physician.

6 **(Exhibit C)**

7 220. Plaintiffs incorporate allegations from the previous paragraphs of the Complaint
8 alleging class-based discrimination against female
9 employees, who are over forty years old and/or with a
10 disability.

11 221. In the case of women UPSers,
12 management does not follow the procedure set out in
13 its code uniformly, in that men are given
14 accommodations without needing to turn in an ADA
15 form and without contacting HR.

16 222. Whereas, women who turn in forms are
17 ignored and left without accommodation.

18 223. The women must lift the heaviest load to
19 allow the men to be accommodated. Men with injuries
20 but no doctor’s note or restrictions get the easiest jobs
21 in the building while the woman are working harder
22 than the men, who sleep on the job sit ,watch movies
23 on the phone. (Shown here is a typical area for women sorters).

24 224. Men fare much better.

25 225. Women, instead suffer disparate treatment, which includes but is not limited to,
26 being consistently made to work faster and they are assigned heavier jobs despite having more
27 seniority.

28 226. By contrast, men are given lighter areas and are not pressured to work faster.



227. The photo here depicts a typical load for men which is more streamlined and not subject to the same time pressures.



D. UPS Systematically Violates Its Professional Conduct and Anti-Harassment Policy with Respect to Treatment of Women.

228. People of color who happen to be women are treated differently at UPS than men. This does not matter whether the woman is an hourly employee or supervisor.

229. UPS states that “it will not tolerate harassment of any employee by anyone for any reason.” **(Exhibit D)**

230. But when women are the targets of verbal, visual, physical, and reprisal based harassment, their claims are swept under the rug on a systematic basis.

231. For example, plaintiffs Danette Brown and Unity Beddingfield, as on-road supervisors were often asked to dig in unsanitary garbage cans to check for packages thrown away, which might have possibly been delivered to a business or residence and had no prior scan. What was most dangerous about this was that it was when COVID-19 was at its height.

232. Miss Brown further states that supervisors would refer to her and Ms. Beddingfield, who are both African American, as Scooby Doo and Scrappy Doo, well known animations to intimate that they were dogs.

233. UPS allows supervisors to use the N-word freely and there is a uniform disregard to the Anti-Harassment policy which creates a hostile environment for women of color who have to work in these conditions.

E. UPS Managers Used Work Assignments That Favored Male UPS Employees, Specifically Package Car Drivers, to Harass the Women Drivers and Create a Hostile Work Environment for UPS Female Employees.

234. UPS male supervisors change routes to give the men easier routes (less labor) and give Ms. Daniels, and other similarly situated women, routes that are longer in time and/or more physically demanding. When she confronted Supervisor Hardy about this disparity, he did

1 nothing. This decision by Supervisor Hardy forced her to work more hours, but on paper, it
2 looked like she was not working as much.

3 235. The discrimination not only comes in the form of longer routes but can also take
4 the form of adding more stops to her route than the route normally had, which would keep her
5 out later than any other driver. After Supervisor Hardy orchestrated another disqualification,
6 this route was reduced when another driver drove the route.

7 236. More complaints, lead to punishment in the form of denied use of seniority, while
8 male drivers with less seniority were allowed precedence over women who complaint. Women
9 get stuck on the worst routes in the center.

10 237. This gender discrimination and harassment of women throughout UPS is so
11 severe and pervasive as to alter the conditions of the women's employment.

12 238. Plaintiffs represent a representative classes consisting of the following: (a) all
13 female employees at UPS who have or will be employed by UPS in the United States from
14 November 9, 2017 to the date of judgment, as sorters, associates, supervisors, or drivers
15 employed by UPS; (b) all female employees at UPS in the United States, and who were over
16 forty years old, and/or disabled between November 9, 2017 and the date of judgment; and (c)
17 any women who worked for UPS from 2015 to present who has been the subject of an equal pay
18 act violation due to gender discrimination and defined herein (Lily Ledbetter Class).

19 239. With respect to the Lilly Ledbetter class, these women additionally must meet the
20 following criteria they must allege that they: (a) were not compensated equally to male
21 employees who had substantially similar job classifications, functions, titles, and/or duties, (b)
22 were not compensated equally to male employees who performed substantially similar work
23 and/or (c) were denied equal compensation to similarly situated male employees by being held
24 back to lower pay levels, subjected to wage theft, and/or prevented from picking up extra shifts
25 at the same level of similarly situated male employees who performed substantially similar
26 work.

27 240. The claims alleged herein, with respect to plaintiffs that are subject to a Collective
28 Bargaining Agreement, are not preempted by the Labor Management Relations Act, § 301

1 because the interpretation of the applicable provision of the CBA, specifically, the section on
 2 *Time Clocks*, is not reasonably in dispute.

3 **VII. CLASS ALLEGATIONS UNDER RULE 23 OF THE FEDERAL RULES OF**
 4 **CIVIL PROCEDURE**

5 241. UPS tolerates and cultivates a work environment that discriminates against female
 6 employees, in particular those who are who are over forty years old and/or with a disability.

7 242. Female employees, who are over forty years old and/or with a disability are
 8 subjected to continuing unlawful disparate treatment in pay and work opportunities. Moreover,
 9 UPS' policies and procedures have an ongoing disparate impact on female employees, who are
 10 over forty years old and/or with a disability.

11 243. UPS maintains policies and methods of scheduling employees that promote
 12 gender- based inequities in compensation, and policies and methods for advancement that lead
 13 to gender-based unequal promotion. UPS' discriminatory policies, practices, and procedures
 14 include a system where women who are over forty years old and/or with a disability are denied
 15 opportunities for advancement at UPS, as well as the opportunity to work additional shifts
 16 afforded to their male colleagues.

17 244. UPS' nationwide practices, policies, and procedures result in lower compensation
 18 for female employees than similarly situated male employees.

19 245. In general, the policies, practices, and procedures that govern the pay and
 20 promotions of female employees lack the sufficient standards, quality controls, implementation
 21 metrics, transparency, and oversight to ensure equal opportunity at UPS.

22 246. Because UPS' management does not provide sufficient oversight or safety
 23 measures to protect against intentional and overt discrimination or the disparate impact of
 24 facially neutral policies and procedures, female employees suffering from discrimination are
 25 without recourse. Whatever complaint and compliance policies may exist, lack meaningful
 26 controls, standards, implementation metrics, and means of redress such that upper management
 27 may ignore, disregard, minimize, cover up, mishandle, or otherwise fail to properly respond to
 28 evidence of discrimination in the workplace.

1 247. UPS' policies, practices, and procedures are not valid, job-related, or justified by
2 business necessity. Alternative, objective, and more valid procedures are available to UPS that
3 would avoid such a disparate impact on female employees. UPS has failed or refused to use
4 such alternative procedures.

5 248. Upon information and belief, UPS' discriminatory employment practices,
6 policies, and procedures are centrally established and implemented at the highest levels of UPS.

7 249. Upon information and belief, UPS' employment policies, practices, and
8 procedures are not unique or limited to any location; rather, they apply uniformly and
9 systematically to employees throughout UPS, occurring as a pattern and practice throughout all
10 locations.

11 250. Because of UPS' systemic pattern and practice of gender discrimination, the
12 Plaintiffs and members of the proposed Class have suffered harm including lost compensation,
13 back pay, employment benefits, and emotional distress.

14 251. The Plaintiffs and members of the Class have no plain, adequate, or complete
15 remedy at law to redress the rampant and pervasive wrongs alleged herein, and this suit is their
16 only means of securing adequate relief. The Plaintiffs and members of the Class have suffered
17 and are now suffering irreparable injury from UPS' ongoing, unlawful policies, practices, and
18 procedures set forth herein, and they will continue to suffer unless those policies, practices, and
19 procedures are enjoined by this Court.

20 **A. Rule 23 Class Definition**

21 252. Plaintiffs seek to represent a class consisting of: (a) all female employees at UPS
22 who were employed by UPS in the United States from November 9, 2017 to the date of
23 judgment, as a sorter or part-time sort supervisor, on road supervisor, or package car driver; (b)
24 all female employees who worked as a sorter or part-time sort supervisor, on road supervisors,
25 or package car drivers at UPS in the United States, who were over forty years old, and/or
26 disabled between November 9, 2017 and the date of judgment; and (c) any women who worked
27 for UPS from 2015 to present as a sorter or sort supervisor, on road supervisor, or package car
28 driver who has been the subject of an equal pay act violation due to gender discrimination.

1 253. Plaintiffs are each member of the Class.

2 254. The systemic gender discrimination described in this Complaint has been, and is,
3 continuing in nature.

4 255. Plaintiffs reserve the right to amend the class definitions based on discovery or
5 legal developments.

6 **B. Efficiency of Class Prosecution of Class Claims**

7 256. Certification of the proposed classes and sub-classes is the most efficient and
8 economical means of resolving the questions of law and fact that are common to the claims of
9 the Plaintiffs and the Class.

10 257. The individual claims of Plaintiffs, as Class Representatives, require resolution of
11 the common questions concerning whether UPS has engaged in a pattern and/or practice of
12 gender discrimination against its female employees, particularly against women who are over
13 forty and/or disabled, and whether its policies or practices have an adverse effect on the Class.
14 Class Representatives seek remedies to eliminate the adverse effects of such discrimination in
15 their own lives, careers, and working conditions and in the lives, careers, and working
16 conditions of the Class members, and to prevent UPS' continued gender discrimination.

17 258. The Class Representatives have standing to seek such relief because of the
18 adverse effect that such discrimination has on them individually and on female employees
19 generally. UPS caused Plaintiffs' injuries through its discriminatory practices, policies, and
20 procedures and through the disparate impact its policies, practices, and procedures have on
21 female employees. These injuries are redressable through systemic relief, such as equitable and
22 injunctive relief and other remedies sought in this action. In addition, proper relief for Plaintiffs'
23 individual discrimination claims can include promotion and increased compensation. Plaintiffs
24 have a personal interest in the policies, practices, and procedures implemented at UPS

25 259. To obtain relief for themselves and the Class members, the Class Representatives
26 will first establish the existence of systemic gender discrimination as the premise for the relief
27 they seek. Without class certification, the same evidence and issues would be subject to re-
28 litigation in a multitude of individual lawsuits with an attendant risk of inconsistent

1 adjudications and conflicting obligations.

2 260. Certification of the proposed Class is the most reasonable and efficient means of
3 presenting the evidence and arguments necessary to resolve such questions for the Class
4 Representatives, the Class members and UPS.

5 **C. Numerosity and Impracticability of Joinder**

6 261. The Class that the Class Representatives seek to represent is so numerous that
7 joinder of all members is impracticable. In addition, joinder is impractical as the employees are
8 physically based in different locations throughout the United States and California. Fear of
9 retaliation on the part of UPS' female employees is also likely to undermine the possibility of
10 joinder.

11 **D. Common Questions of Law and Fact**

12 262. The prosecution of the claims of the Class Representatives will require the
13 adjudication of numerous questions of law and fact, common to their individual claims and
14 those of the Class they seek to represent.

15 263. The common issues of law include, inter alia: (a) whether UPS has engaged in
16 unlawful, systemic gender discrimination in its work assignment, promotion, and compensation
17 policies, practices, and procedures; (b) whether the failure to institute adequate standards,
18 quality controls, implementation metrics or oversight of those policies, practices, and
19 procedures violates Title VII, the FEHA, or the CEPA, and/or other statutes; (c) whether the
20 lack of transparency and opportunities for redress in those systems violates Title VII, the FEHA,
21 the CEPA, and/or other statutes; (d) a determination of the proper standard for proving whether
22 UPS' employment policies had a disparate impact on the Class and Sub- Class; (e) a
23 determination of the proper standards for proving a pattern or practice of discrimination by UPS
24 against its female employees, and under the disparate treatment theory of liability for
25 employees; (f) whether UPS' failure to prevent, investigate, or properly respond to evidence and
26 complaints of discrimination in the workplace violates Title VII and other statutes; and (g)
27 whether UPS is liable for continuing systemic violations of Title VII and other statutes.

28 264. The common questions of fact include, inter alia: whether UPS has: (a)

1 intentionally held back female employees who are over 40 and/or disabled on its pay scale
 2 because UPS does not give equal opportunities to work additional shifts; (b) used a
 3 compensation system that lacks appropriate standards, implementation metrics, quality controls,
 4 transparency, and opportunities for redress; (c) relied on compensation criteria that perpetuate
 5 discrimination; (d) compensated female employees less than similarly-situated male employees
 6 in salary and/or promotions; (e) minimized, ignored, or covered-up evidence of gender
 7 discrimination in the workplace and/or otherwise mishandled the investigation of and response
 8 to complaints of discrimination; (f) cultivated an indifference to evidence of discrimination in
 9 the workplace or otherwise minimized, ignored, mishandled, or covered up evidence of or
 10 complaints of gender discrimination; and (g) otherwise discriminated against female employees,
 11 especially those who are over forty and/or disabled, in the terms and conditions of employment.

12 265. Upon information and belief, UPS' employment policies, practices, and
 13 procedures are not unique or limited to any location; rather, they apply uniformly and
 14 systematically to employees throughout UPS, occurring as a pattern and practice throughout all
 15 locations. They thus affect the Class Representatives and Class members in the same ways
 16 regardless of the location in which they work. Discrimination in compensation occurs as a
 17 pattern and practice throughout UPS.

18 **E. Typicality of Claims and Relief Sought**

19 266. The Class Representatives' claims are typical of the claims of the proposed Class.
 20 The Class Representatives possess and assert each of the claims they assert on behalf of the
 21 proposed Class. They pursue the same factual and legal theories and seek similar relief.

22 267. Like members of the proposed Class and Sub-Classes, the Class Representatives
 23 are female employees who were employees of UPS during the liability period and who were
 24 over forty and/or disabled during the liability period.

25 268. Differential treatment between male and female employees occurs as a pattern and
 26 practice throughout UPS. UPS discriminates against female employees, especially those who
 27 are over forty and/or disabled, in compensation and promotion and subjects them to a work
 28 culture predominated by men. This differential treatment has affected the Class Representatives

1 and the Class members in the same or similar ways.

2 269. UPS has failed to respond adequately or appropriately to evidence and complaints
3 of discrimination. The Class Representatives and Class members have been affected in the same
4 or similar ways by UPS' failure to implement adequate procedures to detect, monitor, and
5 correct this pattern and practice of discrimination.

6 270. UPS has failed to create adequate procedures to ensure its management complies
7 with equal employment opportunity laws regarding each of the policies, practices, and
8 procedures referenced in this Complaint, and UPS has failed to discipline adequately
9 supervisors when they violate anti-discrimination laws. These failures have affected the Class
10 Representatives and the Class members in the same or similar ways.

11 271. The relief necessary to remedy the claims of the Class Representatives is the same
12 as that necessary to remedy the claims of the proposed Class members.

13 272. The Class Representative seeks the following relief for their individual claims and
14 for the claims of the members of the proposed Classes: (a) a declaratory judgment that UPS has
15 engaged in systemic gender discrimination against female employees by (i) denying work
16 opportunities to female employees who are over forty and/or disabled and on the basis of
17 gender, (ii) paying female who are over forty and/or disabled less than their male counterparts
18 in base compensation, (iii) failing to investigate or respond to evidence of discrimination in the
19 workplace against female employees, especially those who are over forty and/or disabled, and
20 (iv) otherwise exposing female employees, especially those who are over forty and/or disabled,
21 to differential treatment; (b) a permanent injunction against such continuing discriminatory
22 conduct; (c) injunctive relief that effects a restructuring of UPS' policies, practices, and
23 procedures for promoting and awarding compensation to female employees; (d) equitable relief
24 that effects a restructuring of UPS compensation system so female employees receive the
25 compensation they would have been paid in the absence of UPS' discrimination; (e) back pay,
26 front pay, reinstatement, and other equitable remedies necessary to make female employees
27 whole from UPS' past discrimination; (f) compensatory damages; (g) punitive damages to deter
28 UPS from engaging in similar discriminatory practices in the future; and (h) employees' fees,

costs, and expenses.

F. Adequacy of Representation

273. The Class Representatives' interests are coextensive with those of the members of the proposed Class. The Class Representatives seek to remedy UPS' discriminatory policies, practices, and procedures so female employees, and those over forty and/or disabled, will not receive disparate pay and differential treatment.

274. The Class Representatives are willing and able to represent the proposed Class fairly and vigorously as they pursue their similar individual claims in this action.

275. The Class Representatives have retained counsel sufficiently qualified, experienced, and able to conduct this litigation and to meet the time and fiscal demands required to litigate an employment discrimination class action of this size and complexity. The combined interests, experience, and resources of the Class Representatives and their counsel to litigate competently the individual and class claims at issue in this case clearly satisfy the adequacy of representation requirement of Federal Rule of Civil Procedure 23(a)(4).

G. Requirements of Rule 23(b)(2)

276. UPS has acted on grounds generally applicable to the Class Representatives and the proposed Class by adopting and following systemic policies, practices, and procedures that discriminate on the basis of gender, age and disability. Gender discrimination is UPS' standard operating procedure rather than a sporadic occurrence.

277. UPS has also acted or refused to act on grounds generally applicable to the Class Representatives and the proposed Class by, inter alia: (a) using a scheduling system that systematically intentionally, or knowingly disadvantages women; (b) systematically, intentionally, or knowingly denying work opportunities for women in favor of similarly situated males; (c) using a scheduling system that lacks meaningful or appropriate standards, implementation metrics, quality controls, transparency, and opportunities for redress; (d) compensating women less than similarly situated males in salary; (e) systematically, intentionally, or knowingly compensating women less than similarly situated male employees, including less base salary; (f) minimizing, ignoring, or covering up evidence of gender, age and

1 disability discrimination in the workplace and/or otherwise mishandling the investigation of and
2 response to complaints of discrimination; (g) cultivating an indifference to evidence of
3 discrimination in the workplace or otherwise minimizing, ignoring, mishandling, or covering up
4 evidence of or complaints of gender, age, and disability discrimination: and (h) otherwise
5 discriminating against women in the terms and conditions of employment as employees.

6 278. UPS' policies, practices, and procedures with respect to compensation have led to
7 gender, age, and disability discrimination and stratification. The systemic means of
8 accomplishing such gender-based stratification include, but are not limited to, UPS' policies,
9 practices, and procedures for awarding base compensation, bonus pay, and opportunities to take
10 on extra shifts to female employees. These practices and procedures all suffer from a lack of
11 transparency, adequate quality standards, and controls; sufficient implementation metrics; and
12 opportunities for redress or challenge.

13 279. UPS' systemic discrimination and refusals to act on nondiscriminatory grounds
14 justify the requested injunctive and declaratory relief with respect to the Class as a whole.

15 280. Injunctive, declaratory, and affirmative relief are a predominant form of relief
16 sought in this case. Entitlement to declaratory, injunctive, and affirmative relief flows directly
17 and automatically from proof of UPS' systemic gender discrimination. In turn, entitlement to
18 declaratory, injunctive, and affirmative relief forms the factual and legal predicate for recovery
19 by the Class Representatives and Class members of monetary and non-monetary remedies for
20 individual losses caused by the systemic discrimination, as well as their recovery of
21 compensatory and punitive damages.

22 **H. Requirements of Rule 23(b)(3)**

23 281. The common issues of fact and law affecting the claims of the Class
24 Representatives and proposed Class members—including, but not limited to, the common issues
25 identified above—predominate over any issues affecting only individual claims. The common
26 issues include whether UPS has engaged in gender, age, and disability discrimination against
27 female employees.

28 282. A class action is superior to other available means for fairly and efficiently

1 adjudicating the claims of the Class Representatives and members of the proposed Class.

2 283. By virtue of the pattern and practice of discrimination at UPS, the Class
3 Representatives and Class members are eligible for monetary remedies for losses caused by the
4 systemic discrimination, including back pay, front pay, reinstatement, compensatory damages
5 and other relief.

6 284. Additionally, or in the alternative, the Court may grant “partial” or “issue”
7 certification under Rules 23(c)(4). Resolution of common questions of fact and law would
8 materially advance the litigation for all Class members.

9 **VIII. CAUSES OF ACTION:**

10 **A. First Cause of Action: Violation of Title VII of the Civil Rights Act of**
11 **1964, 42 U.S.C. § 2000(e) *et seq.* (Disparate Treatment)**

12 285. On Behalf of Class Representatives and all Putative Class Members, Plaintiffs re-
13 allege and incorporate each and every allegation in this Complaint.

14 286. Title VII of the Civil Rights Act of 1964 prohibits workplace discrimination based
15 on race, religion, color, national origin, and sex, including gender identity, sexual orientation,
16 and pregnancy.

17 287. UPS violated Title VII by subjecting Plaintiffs and the Putative Class Members to
18 different treatment on the basis of their gender, including age and disability. The members of
19 the Class have been disparately impacted and disparately treated as a result of UPS’ wrongful
20 conduct and its policies, practices, and procedures.

21 288. Specifically, UPS subjected Plaintiffs and the Putative Class Members to
22 differential and substandard terms and conditions of employment including but not limited to
23 discriminatory denials of fair compensation and other terms and conditions of employment in
24 violation of Title VII.

25 289. Specifically, UPS has engaged in gender based wage theft.

26 290. For example, in its Oakland Hub, when part-time employees work a double shift,
27 they are not allowed to clock in on the time clock. Instead, they are told when to start work and
28 given a piece of paper at the end of the shift showing their starting hours, which is pictured on

1 the next page at figure 1.

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UPS Administration Timecards and Statistics Employee Processing Reports Contractor/Temp Package Insider

Contact About Help Amanda Humphreys

Package Timecard Processing 09:25 AM PDT | Thursday, Jun 30, 2022 | Week Ending Jul 02, 2022

Insider Timecard

Timecard Ref ID: 1203450981
Source: MANUAL

Employee ID: 0874660 Employee Name: LOPEZ, SONIA

Operation type: SLIC Sort: Sup Group: 1 Timecard Type: Insider *Payroll Day: Thursday Preload Day: Thursday

*Pay Code: 05 Normal Work - Pay Actual OJS Name: OJS Type: Select TAW: No

Insider Activities

Scheduled Start: 04:30 Report to Work: 04:30 Finish Work: 09:25

Start: 04:30 Code: P60 Op Type: Package SLIC: 9475 Sort: Sup Group/Work Area: 1

Vehicle Operation Stats

Vehicle Number: % Loaded: Load Position:

Insert New Previous Employee Previous Day Next Day Next Employee

Submit Delete Cancel

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Figure 1

1 291. When the part-time employee gets to their next shift which is usually in a different
2 area, they are told when to start their second shift.

3 292. After working both shifts, the part-time employees are entitled to receive an
4 additional 15 minutes in penalty pay from the first shift and an additional 10 minutes on the
5 second shift, as outlined in California Wage and hour laws.

6 293. This is because UPS does not provide a lunch break and instead awards 1 (one)
7 hour on penalty pay to part time employees who work over six hours. (Cal Lab Code § 226.7)

8 294. Because the 1 (one) hour goes on their paycheck as a violation when an employee
9 works 6 straight hours, UPS requires the employee to take 30 minutes unpaid break between
10 shifts. Then they have 30 minutes of paid breaks, which are broken down into two 15 min.
11 breaks.

12 295. At night if person works six hours straight, they take a 15 min. break of the paid.
13 Then there is 15 min. left.

14 296. The employee then has a choice of taking the break during their next shift or of
15 having management adding the 15 minutes at the end of the double shift.

16 297. Most employees opt to take the 15 minutes as an addition to their time at the end
17 of their shift.

18 298. With respect to the women-part time employees, management gives them a hard
19 time about taking the additional 15 minutes as an addition to their time at the end of their shift.

20 299. For example, at the end of the double shift, the female employees have to find a
21 supervisor and request that the time be added manually.

22 300. Many times the supervisors will not do it or they turn off the clock which prevents
23 the women from standing next to the clock for 15 minutes to ensure that they are paid.

24 301. Likewise, when a part-time employee works 10 hours, they are entitled to an
25 additional 10 minute break.

26 302. As explained above, the employee can opt to take the break and been punched or
27 management is supposed to add it at the end of the shift.

28 303. However, the double shifters cannot punch out because they are given a piece of

1 paper with their time on it.

2 304. Thus, at the end of the shift, they have ask management to add the 10 minutes to
3 their time. When two shifts are worked, management needs to add the remaining 15 minutes
4 from the six hour shift and the 10 minutes from the second shift.

5 305. However, the women are routinely denied their requests to add their break time,
6 both 15 minutes and 10 minutes.

7 306. When management refuses to add the time, the women are paid less.

8 307. Whereas, the males who double shift are not treated that way.

9 308. They are able to write down their time and give it to management and they never
10 have to stand at the clock for 15 minutes at the end of their shift to ensure that they are paid.

11 309. Appearing in figure 2 below is an example of women having to ask management
12 to manually enter time.

13 310. When women try to get the same
14 treatment as the men, they are clocked out.

15 311. UPS' conduct has been intentional,
16 deliberate, willful, malicious, reckless, and
17 conducted in callous disregard of the rights of
18 claimants, entitling them to punitive damages.



Figure 2

19 312. As a result of UPS' conduct alleged in this
20 Complaint, Plaintiffs and Putative Class Members have suffered and continue to suffer harm,
21 including but not limited to lost earnings, lost benefits, and other financial loss, as well as
22 humiliation, embarrassment, emotional and physical distress, and mental anguish.

23 313. By reason of UPS' discrimination, claimants are entitled to all legal and equitable
24 remedies available for violations of Title VII, including an award of punitive damages.

25 314. Attorney's fees should be awarded under 42 U.S.C. § 2000e-5(k).

26
27 **B. Second Cause of Action: Violation of Title VII of the Civil Rights Act**
28 **of 1964, 42 U.S.C. § 2000(E) et seq. (Disparate Impact)**

1 315. On Behalf of Class Representatives and all Putative Class Members, Plaintiffs re-
2 allege and incorporate each and every allegation in this Complaint.

3 316. This Count is brought on behalf of the Class Representatives and all members of
4 the Class.

5 317. UPS violated Title VII by maintaining uniform policies and practices that have an
6 adverse, disparate impact on Plaintiff's and all Putative Class Members.

7 318. UPS has engaged in an intentional, company-wide and systemic policy, pattern,
8 and/or practice of discrimination against of Class Representatives and all Putative Class
9 Members, through

10 319. These foregoing common policies, practices, and/or procedures have produced an
11 unjustified disparate impact on Class Representatives and the Class with respect to the terms
12 and conditions of their employment.

13 320. As a result of this disparate impact discrimination, UPS has treated Class
14 Representatives and the Class differently from and less preferentially than similarly situated
15 male employees with respect to pay and promotions.

16 321. UPS has failed to prevent, to respond to, to investigate adequately, and/or to
17 appropriately resolve this gender discrimination.

18 322. UPS' conduct has been intentional, deliberate, willful, malicious, reckless, and
19 conducted in callous disregard of the rights of the Class Representatives and the Class, entitling
20 the Class Representatives and all members of the Class to punitive damages.

21 323. By reason of the continuous nature of UPS' discriminatory conduct, which
22 persisted throughout the employment of the Class Representatives and the Class, the Class
23 Representative and all members of the class are entitled to application of the continuing
24 violations doctrine to all violations alleged herein.

25 324. By reason of UPS' discrimination, the Class Representatives and the Class are
26 entitled to all legal and equitable remedies available for violations of Title VII.

27 325. As a result of UPS' conduct alleged in this Complaint, the Class Representatives
28 and the Class have suffered and continue to suffer harm, including but not limited to lost

1 earnings, lost benefits, and other financial loss, including interest.

2 326. As a further result of UPS' unlawful conduct, the Class Representatives and the
 3 Class have suffered and continue to suffer, inter alia, impairment to their name and reputation,
 4 humiliation, embarrassment, emotional and physical distress, and mental anguish. Class
 5 Representative and the Class are entitled to recover damages for such injuries from UPS under
 6 Title VII.

7 327. Employees' fees and costs should be awarded under 42 U.S.C. § 2000e-5(k).

8 **C. Third Cause Of Action: Violation of California Fair Employment**
 9 **And Housing Act, Cal. Gov't. Code § 12940, et seq.**

10 328. On Behalf of Class Representatives and all Putative Class Members, Plaintiffs re-
 11 allege and incorporate each and every allegation in this Complaint.

12 329. UPS has discriminated against Plaintiffs by subjecting them to different treatment
 13 because and on the basis of their gender, and where they are over age forty and/or disabled.

14 330. UPS has discriminated against Plaintiffs by maintaining uniform policies and
 15 practices that have an adverse, disparate impact on them.

16 331. UPS has engaged in an intentional, company-wide and system policy, pattern,
 17 and/or practice of discrimination against Plaintiffs by, among other things: maintaining a
 18 discriminatory system for scheduling, maintaining a discriminatory system for work
 19 assignments, unwarrantedly suppressing pay for women who are over forty and/or disabled, and
 20 other forms of discrimination.

21 332. These foregoing common policies, practices, and/or procedures have produced an
 22 unjustified disparate impact on Plaintiffs with respect to the terms and conditions of their
 23 employment.

24 333. As a result of this disparate treatment and disparate impact discrimination, UPS
 25 has treated Plaintiffs differently from and less preferentially than similarly situated male
 26 employees and female employees.

27 334. UPS has failed to prevent, respond to, adequately investigate, and/or appropriately
 28 resolve this gender discrimination.

335. UPS' conduct has been intentional, deliberate, willful, malicious, reckless, and conducted in callous disregard of the rights of Plaintiffs entitling them to punitive damages.

336. As a result of UPS' conduct alleged in this Complaint, Plaintiffs have suffered and continue to suffer harm, including but not limited to, lost earnings, lost benefits, lost future employment opportunities, and other financial loss, as well as non-economic damages.

337. Attorney's fees should be awarded under Cal. Gov't Code § 12940.

D. Fourth Cause of Action: Violation of the Fair Labor Standards Act of 1938, as Amended by the Equal Pay Act of 1963, 29 U.S.C. § 216(B) (Denial Of Equal Pay For Equal Work)

338. On Behalf of Plaintiffs and all Putative Class Members, Plaintiffs re-allege and incorporate each and every allegation in this Complaint.

339. This Count is brought on behalf of Plaintiffs and the EPA Collective Action, including all EPA Collective Action Plaintiffs who "opt-in" to this action.

340. UPS has discriminated against Plaintiffs and all EPA Collective Action Plaintiffs within the meaning of the Equal Pay Act of 1963 in violation of the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 206, *et seq.*, as amended by the EPA, by providing them with a lower rate of pay than similarly situated male colleagues on the basis of their gender, female, even though Plaintiffs and all others similarly situated performed similar duties requiring the same skill, effort, and responsibility as their male counterparts.

Job Description Summaries for Three UPS Jobs Making up the Putative Class:

1. Sorter:

Sorting packages into delivery destination bins. This involves matching addresses on the package label to bin assignments for the addresses. The job requires lifting, carrying, and pushing/pulling packages from a conveyor or drop location to a bin. At least 67% of the packages that are handled are ten pounds or less in weight, with up to a third of the packages weighing 20 - 70 pounds. Most of the lifting and carrying involves movement of the weight from the waist to shoulder height. The worker stands throughout the entire shift and usually stays within three steps of his workstation. The typical shift is 5 hours in length. The rate of packages being sorted is 500 to 2500 per hour, with between 2500 and 12,500 packages being sorted during a 5-hour shift.

The working conditions can be somewhat aversive depending on the facility

location. Sorters may be required to work at elevated heights, in enclosed spaces, and on uneven walk surfaces. The work environment can be subject to variable temperatures and humidity, exposure to dust, dirt, and noise, and isolation from other parts of the facility.

The cognitive requirements of the job quite minimal, and include the following:

- ability to learn, remember, and follow directions and routines
- ability to work independently with appropriate judgment
- ability to judge spatial distances and relationships
- ability to read and understand words and numbers
- ability to identify logical connections and determine sequence of response

2. Package Delivery Driver

The Package Delivery Driver job consists of the following tasks and responsibilities:

- Ensure that all customers are satisfied with the delivery
- Deliver the packages on time
- Ensure that packages are delivered safely and intact
- Utilize appropriate packaging methods (depending on package) in accordance with UPS policy and procedures to maintain product integrity, prevent damage during transit, and safeguard against loss, theft or damage
- Document all deliveries in a legible manner, using accurate and detailed documentation to ensure a complete record of each delivery is maintained for quality control purposes, file and regulatory requirements, or as required by UPS upon request
- Maintain good customer relations and provide customer service to all customers
- Assist in dealing with customers' complaints, complaints of damaged or missing shipments, or package not received from UPS
- Maintain accurate records to ensure that the activities of each shift are recorded accurately so that billing and scheduling information can be accurately determined;
- Ensure that all equipment is properly maintained to ensure operational effectiveness and safety (minimum requirement)
- Perform other duties as assigned by supervisor, including but not limited to overtime duties as necessary.

The job requires the following knowledges, skills, abilities, and other qualifications:

- Ability to handle the physical demands of the job, including working in any weather condition and in any environment, as determined by a physical exam

- Valid US driver's license
- No history of traffic tickets or accidents while driving in the past 2 years
- Age of at least 20 years, but not older than 52 years (driver's age limit)
- No history of mental or physical illnesses while rapidly handling heavy objects (inside or outside your vehicle)
- No history of criminal record or previous bankruptcies
- Good health and ability to handle heavy cargoes alone, with help from other employees only when necessary to reduce your chances of injury, illness, and stress
- Ability to lift 70 pounds unassisted on a frequent basis (more than 20 times in 1 day)
- Ability to bend and stoop throughout long shifts
- Ability to read gauges and information on the computer while driving
- Ability to communicate clearly with customers by phone, in person, and over the radio/walkie-talkie/two-way radio/CB (citizen's band), as needed.

3. On Road Supervisor

The UPS On Road Supervisor job is responsible for supervising the daily performance of service providers to ensure quality service, improve performance, and maintain compliance with environmental, health and safety requirements. He/She encourages sales lead participation through maintaining mutually beneficial customer relationships. The PT On Road Supervisor works with service providers to maximize day to day proficiency and ensure packages are delivered in a safe, timely, and professional manner. He/She participates in the development and implementation of work process plans to maximize center proficiency and achieve business results. Incumbents review and analyze work processes and work schedule information (e.g., exception reports, volume delivered/hour, miles driven, car set up, hours worked, accidents, etc.) to identify opportunities to reduce costs and improve performance.

The UPS On Road Supervisor job encompasses the following tasks and responsibilities:

- Completes administrative tasks (i.e., performance reviews, accident reports, service failures, training) in a timely, accurate manner to facilitate the execution of the dispatch plan through the Service Providers.
- Uses the Balanced Scorecard and Quality Improvement Process to monitor workgroup performance against business goals.
- Completes required audits during on-job supervision rides to ensure adherence to UPS policies and procedures.
- Utilizes technology (Orion, PAS, Telematics, etc.) to identify opportunities for performance improvement and risk mitigation.
- Communicates with customers to respond to service concerns, build relationships, and determine solutions that meet business goals.
- Uncovers business opportunities to forward this information to the proper

department (i.e., dispatch supervisor, center management, and business development) for follow up.

- Encourages service providers to identify and forward volume development opportunities to management.
- Creates a customer focused work environment to emphasize service and focus on building the business.
- Communicates customers' business needs to employees to provide an understanding of job responsibilities and how actions impact customers.

The job requires the following knowledges, skills, abilities, and other qualifications:

- General understanding of ways to identify and measure the current needs of the customer or business; able to integrate business needs into the definition of a project's requirements.
- Basic knowledge of injury and crash prevention techniques; demonstrates a basic understanding of job methods; able to identify root causes of injuries and auto crashes; able to recognize and accurately report unsafe working conditions.
- Basic understanding of the functions, regulations, and procedures of compliance agencies or governing bodies; able to take a leadership position in programs that reduce risk and enhance safety.
- Knowledge of proper processes, procedures and methods for small package operations; basic knowledge of common tools, equipment, and technology used within the operation.

341. Pay Discrimination Against Saysamone Nanthavong: Ms. Nanthavong was hired in 2017 at the age of 38. She is of Southeast Asian ancestry. She was hired as a Package Driver and was promoted to On Road Supervisor after about one year. She has held the latter job for about 3.25 years.

342. Approximately one year ago, I December of 2021, she filed an internal complaint at UPS alleging that another On Road Supervisor at her facility was being paid at a higher salary than her despite having lower seniority in the job.

343. She identified the other On Road Supervisor as Alfonso Ramirez. His salary for the month of July 2021 was \$7,640 compared to Ms. Nanthavong's salary of \$7,371 which presumably was in effect from at least July 2021 onward to the end of that year. The difference of \$269 represents a 3.62% higher pay level for Ramirez compared to that of Nanthavong. Assuming 8 hour workdays for the 22 workdays and paid holidays of July 2021, there were 176 hours paid for during that month.

1 344. This allows the computation of the equivalent hourly pay rates of these two
2 workers during that month, which were \$41.88 and \$43.41 for Nanthavong and Ramirez,
3 respectively.

4 345. This constitutes a \$1.53 difference in the hourly rates of these two workers, to the
5 detriment of Nanthavong. This difference substantiates the claim that Ramirez was paid at a
6 higher salary and hourly rate equivalent than Nanthavong, despite Nanthavong having higher
7 seniority.

8 346. Since Nanthavong is a member of two demographic groups protected by anti-
9 discrimination laws (gender, age ≥ 40), the suppression of her salary to a level below that of a
10 male under 40 years of age in the same job that UPS has failed to correct despite a complaint
11 having brought the matter to the company's attention, constitutes illegal discrimination.

12 347. Pay Discrimination Against Terry Jones-Jackson: Terry Jones-Jackson was hired
13 as a Loader/Unloader at UPS in January 1999.

14 348. In 2012 after 13 years she was promoted to Hub Sorter, a job which she continues
15 to hold up to the present, having 8 years of tenure in that job.

16 349. Ms. Jones-Jackson is an African-American female over 40 years of age (as of
17 August 2021 she was 54 years of age). In May of 2021 it came to her attention that a male Steve
18 Smith in the same job that she held, Hub Sorter, was being paid at an hourly rate \$1.00 higher
19 than her despite having less tenure on the job, he was hired after Jones-Jackson by a few days.

20 350. This pay disparity had existed for at least 6 months.

21 351. She filed a complaint with the company and her pay was increased by \$1.00 per
22 hour after a brief investigation. However, she was not reimbursed for the period over which pay
23 disparity existed.

24 352. Since the other worker being paid more was a male over 40 years of age, it is
25 alleged that Ms. Jones-Jackson was subjected to illegal gender discrimination in the setting of
26 her hourly pay rate.

27 353. Plaintiffs allege that the pay discrimination that Nanthavong and Jackson
28 experience and continue to experience were not isolated incidents but are indicative of a

1 widespread practice where Putative Class Members are similarly situated with respect to their
2 claims that UPS paid and promoted them less than their male counterparts.

3 354. Plaintiffs, all EPA Collective Action Plaintiffs, and similarly situated male
4 employees all perform similar job duties and functions. Plaintiffs, all EPA Collective Action
5 Plaintiffs, and similarly situated male employees all performed jobs that required equal skill,
6 effort, and responsibility.

7 355. UPS discriminated against Plaintiffs and all EPA Collective Action Plaintiffs by
8 subjecting them to discriminatory pay in violation of the Equal Pay Act.

9 356. The differential in pay between male and female employees was not due to a
10 legitimate seniority, merit, quantity or quality of production, or a factor other than sex, but was
11 due to gender.

12 357. UPS caused, attempted to cause, contributed to, or caused the continuation of pay
13 discrimination based on gender, in violation of the EPA. The foregoing conduct constitutes a
14 willful violation of the EPA within the meaning of 29 U.S.C. § 255(a). Because UPS has
15 willfully violated the EPA, a three-year statute of limitations applies to such violations, pursuant
16 to 29 U.S.C. § 255.

17 358. As a result of UPS' conduct as alleged in this Complaint, Plaintiffs and all EPA
18 Collective Action Plaintiffs have suffered and continue to suffer harm, including but not limited
19 to lost earnings, lost benefits, and other financial loss, as well as humiliation, embarrassment,
20 emotional and physical distress, and mental anguish.

21 359. Lilly Ledbetter Fair Pay Act of 2009 - Amends the Civil Rights Act of 1964 to
22 declare that an unlawful employment practice occurs when: (1) a discriminatory compensation
23 decision or other practice is adopted; (2) an individual becomes subject to the decision or
24 practice; or (3) an individual is affected by application of the decision or practice, including
25 each time wages, benefits, or other compensation is paid.

26 360. UPS' liability accrues, and allows an aggrieved person to obtain relief, including
27 recovery of back pay, for up to two years preceding the filing of the charge, where the unlawful
28 employment practices that have occurred during the charge filing period are similar or related to

1 practices that occurred outside the time for filing a charge.

2 361. This act applies the preceding provisions to claims of compensation
3 discrimination under the Americans with Disabilities Act of 1990 and the Rehabilitation Act of
4 1973.

5 362. Defendant's unlawful conduct has been widespread, repeated and consistent.
6 Moreover, Defendant's conduct was willful and in bad faith.

7 363. Defendant is liable under the FLSA for failing to properly compensate Plaintiffs
8 and the FLSA Collective Class, and, as such, notice should be sent out to the FLSA Collective
9 Class.

10 364. There are numerous similarly situated, current and former employees of the
11 Defendant who have been denied wages in violation of the FLSA who would benefit from the
12 issuance of a Court-supervised notice of the present lawsuit and the opportunity to the join in
13 the action.

14 365. Those similarly situated employees are known to Defendant and are readily
15 ascertainable through its records.

16 366. By reason of UPS' discrimination, Plaintiffs and all EPA Collective Action
17 Plaintiffs are entitled to all legal and equitable remedies available for violations of the EPA,
18 including liquidated damages, interest, and other compensation pursuant to 29 U.S.C. § 216(b).

19 367. Attorney's fees should be awarded under 29 U.S.C. §216(b).

20 **E. Fifth Cause of Action: Violation of the California Equal Pay Act, as**
21 ***amended by the California Fair Pay Act, Cal. Lab. Code § 1197.5, et seq.***

22 368. On Behalf of Class Representatives and all Putative Class Members, Plaintiffs re-
23 allege and incorporate each and every allegation in this Complaint.

24 369. UPS has discriminated against the Plaintiffs in violation of the California Equal
25 Pay Act, Cal. Lab. Code § 1197.5 *et seq.* UPS has paid Plaintiffs less than similarly situated
26 male employees in the same establishment performing equal work on jobs the performance of
27 which requires equal skill, effort, and responsibility, and which are performed under similar
28 working conditions.

1 370. UPS has discriminated against the Plaintiffs in violation of the California Equal
2 Pay Act, Cal. Lab. Code § 1197.5, *et seq.* UPS has paid Plaintiffs less than similarly situated
3 male employees performing substantially equal work, when viewed as a composite of skill,
4 effort, and responsibility, and performed under similar working conditions.

5 371. UPS subjected Plaintiffs to common discriminatory pay policies, including
6 maintaining a discriminatory system of determining compensation; maintaining a discriminatory
7 system for promotions; and other forms of discrimination affecting pay.

8 372. The differential in pay between male and female employees was not due to
9 seniority, merit, or the quantity or quality of production, a bona fide factor other than sex, such
10 as education, training, or experience, but was due to gender. In the alternative, to the extent that
11 UPS relied upon one or more of these factors, said factor(s) were not reasonably applied and
12 did/do not account for the entire wage differential.

13 373. The foregoing conduct constitutes a willful violation of the California Equal Pay
14 Act, Cal. Lab. Code § 1197.5 *et seq.*, as amended by the California Fair Pay Act. Therefore, a
15 three-year statute of limitations applies to such violations, pursuant to California Equal Pay Act,
16 Cal. Lab. Code § 1197.5(h), *et seq.*

17 374. As a result of UPS' conduct alleged in this Complaint, Plaintiffs have suffered and
18 will continue to suffer harm, including but not limited to lost earnings, lost benefits, and other
19 financial loss, as well as non-economic damages.

20 375. Plaintiffs are therefore entitled to all legal and equitable remedies, including
21 doubled compensatory awards for all willful violations.

22 376. Attorney's fees should be awarded under California Labor Code § 1197.5(g).

23 **F. Sixth Cause of Action: Violation of California Business and**
24 **Professions Code, Cal. Bus. & Prof. Code § 17200, *et seq.***

25 377. On Behalf of Class Representatives and all Putative Class Members, Plaintiffs re-
26 allege and incorporate each and every allegation in this Complaint.

27 378. UPS is a "person" as defined under California Business & Professions Code
28 § 17201.

1 379. UPS' willful failure to pay women equally, to promote women equally, and
 2 otherwise to offer women equal employment opportunities as alleged above, constitutes
 3 unlawful, unfair and/or fraudulent activity prohibited by California Business and Professions
 4 Code § 17200.

5 380. As a result of its unlawful, unfair and/or fraudulent acts, UPS reaped and
 6 continues to reap unfair benefits and illegal profits at the expense of Plaintiffs and the Putative
 7 Class Members. UPS should be enjoined from this activity.

8 381. Accordingly, Plaintiffs and the Putative Class Members are entitled to restitution
 9 with interest and other equitable relief, pursuant to Business & Professions Code § 17203.

10 **IX. PRAYER FOR RELIEF**

11 Wherefore, Plaintiffs, on their own behalf and on behalf of the Class request the following
 12 relief:

- 13 a. Acceptance of jurisdiction of this case;
- 14 b. Certification of this case as a class action under Federal Rule of Civil Procedure 23, on
 15 behalf of the proposed Class, designation of the proposed Class Representatives as
 16 representatives of this Class, and designation of Plaintiffs' counsel of record as Class
 17 Counsel;
- 18 c. Designation of this action as a collective action under the EPA:
 - 19 i. promptly issuing notice pursuant to 29 U.S.C. § 216(b) to all similarly situated members
 20 of the EPA Opt-In Class, which (a) apprises them of the pendency of this action and (b)
 21 permits them to assert timely EPA claims in this action by filing individual Consent to
 22 Sue forms pursuant to 29 U.S.C. § 216(b); and
 - 23 ii. tolling the statute of limitations on the claims of all members of the EPA Opt-In Class
 24 from the date the original Complaint was filed until the Class members are provided with
 25 reasonable notice of the pendency of this action and a fair opportunity to exercise their
 26 right to opt in as Plaintiffs;
- 27 d. A declaratory judgment that the practices complained of therein are unlawful and
 28 violate, among other laws, 42 U.S.C. § 2000(e) *et seq.*, as amended; 29 U.S.C. § 2601, *et*

1 *seq.*; 29 U.S.C. § 206, *et seq.*; Cal. Gov. Code § 12940 *et seq.*; Cal. Gov. Code §
 2 12945.2; Cal. Labor Code section 1197.5 *et seq.*; and Cal. Bus. & Prof. Code § 17200 *et*
 3 *seq.*;

- 4 e. Designation of this action as a collective action under the FLSA and prompt
 5 issuance of notice pursuant to 29 U.S.C. § 216(b) to all similarly situated members,
 6 apprising them of the pendency of this action, and permitting them to assert timely
 7 FLSA claims in this action by filing individual Plaintiff Consent Forms pursuant to
 8 29 U.S.C. § 216(b);
- 9 f. A permanent injunction against UPS and its partners, officers, owners, agents,
 10 successors, employees, representatives and any and all persons acting in concert with
 11 them, from engaging in any further unlawful practices, policies, customs and usages set
 12 forth therein.
- 13 g. An Order requiring UPS to initiate and implement programs that (i) remedy the hostile
 14 work environment at UPS; (ii) ensure prompt, remedial action regarding all claims of
 15 gender, age, and disability discrimination; and (iii) eliminate the continuing effects of the
 16 discrimination and retaliatory practices described therein;
- 17 h. An Order directing UPS to adjust the compensation for Class Representatives and the
 18 Class members to the level that they would be enjoying but for the UPS' discriminatory
 19 policies, practices, and procedures;
- 20 i. An award of back pay, front pay, lost benefits, preferential rights to jobs, and other
 21 damages for lost compensation and job benefits suffered by the Plaintiffs, Members of
 22 the Classes, and Members of the EPA Collective Action, in an amount not less than
 23 \$100,000,000.00;
- 24 j. An award of nominal, liquidated, and compensatory damages to Plaintiffs and Members
 25 of the Classes, in an amount not less than \$100,000,000.00;
- 26 k. Award punitive damages to Plaintiffs and Members of the Classes, in an amount not less
 27 than \$50,000,000.00;
- 28 l. An award of penalties available under applicable laws, including waiting time penalties;

- m. An award of litigation costs and expenses, including reasonable employees' fees to the Plaintiffs;
- n. An award of pre-judgment and post-judgment interest; and
- o. Such other and further relief as the Court may deem just and proper.

//

1 **X. DEMAND FOR JURY TRIAL**

2 Plaintiffs demand a trial by jury of all issues triable of right to a jury.

3 Respectfully submitted,

4 DATED: January 23, 2023

VARLACK LEGAL SERVICES



5
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7
8
9 Tiega-Noel Varlack, Esq.
10 Attorney for Plaintiffs and Proposed Class,
11 GALENA GOINS, SONIA LOPEZ, and
12 TERRY A. JONES-JACKSON

13
14 /s / M. Alieu Iscandari, Esq.
15 M. Alieu Iscandari, Esq.
16 Attorney for Plaintiffs and Proposed Class,
17 GALENA GOINS, SONIA LOPEZ, and
18 TERRY A. JONES-JACKSON

19 **EXHIBITS A-D**



Civil Rights Department

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
 800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@dfeh.ca.gov

January 23, 2023

Galena Goins

RE: **Notice of Case Closure and Right to Sue**
 CRD Matter Number: 202301-19468923
 Right to Sue: Goins / United Parcel Services, Inc. et al.

Dear Galena Goins:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective January 23, 2023 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@dfeh.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@dfeh.ca.gov

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Galena Goins

CRD No. 202301-19468923

Complainant,

vs.

United Parcel Services, Inc. et al.

Respondents

1. Respondent **United Parcel Services, Inc. et al.** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant **Galena Goins**, resides in the City of , State of .

3. Complainant alleges that on or about **January 22, 2023**, respondent took the following adverse actions:

Complainant was harassed because of complainant's color, sex/gender, gender identity or expression, medical condition (cancer or genetic characteristic), age (40 and over), sexual harassment- hostile environment, disability (physical, intellectual/developmental, mental health/psychiatric), race (includes hairstyle and hair texture).

Complainant was discriminated against because of complainant's national origin (includes language restrictions), color, sex/gender, gender identity or expression, medical condition (cancer or genetic characteristic), age (40 and over), sexual harassment- hostile environment, disability (physical, intellectual/developmental, mental health/psychiatric), race (includes hairstyle and hair texture) and as a result of the discrimination was denied hire or promotion, reprimanded, denied equal pay, suspended, demoted, asked impermissible non-job-related questions, denied work opportunities or assignments, denied or forced to transfer, denied accommodation for a disability.

-1-

Complaint – CRD No. 202301-19468923

Date Filed: January 23, 2023

CRD-ENF 80 RS (Revised 12/22)

Complainant experienced retaliation because complainant reported or resisted any form of discrimination or harassment, requested or used a disability-related accommodation, participated as a witness in a discrimination or harassment complaint and as a result was denied hire or promotion, reprimanded, denied equal pay, suspended, demoted, asked impermissible non-job-related questions, denied work opportunities or assignments, denied or forced to transfer, denied accommodation for a disability.

Additional Complaint Details: Galena Goins and similarly situated Women employees at United Parcel Service, Inc. were discriminated and harassed in the workplace because of their gender, age, and disability status. Complainant makes these allegations and asserts these claims on behalf of herself and other similarly situated. On information and belief, UPS is engaging in class-wide pattern and/or practice of discrimination and harassment by failing to take prompt and effective action to remedy the pervasive gender discrimination and harassment in the workplace, by failing to prevent this pattern of conduct from occurring and continuing, despite repeated complaints to Human Resources and upper management, by failing to follow The UPS Code of Business Conduct, failure to accurately record Women Employees' time worked, and failure to offer Women Employee accommodations for their disability, and/or implement appropriate anti-discrimination & harassment policies, by failing to discipline those accused of discrimination and/or harassment, and by failing to uphold its Professional Conduct and Anti-Harassment Policy with respect to treatment of Women, implement an adequate complaint mechanism for receiving and addressing complaints of discrimination and/or harassment. The discrimination and harassment and Respondents' failure to prevent and correct it altered the terms and conditions of Complainant and similarly situated Women employees' working environment, making it a hostile and abusive environment.

(Cal. Gov. Code, § 12961)

VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. § 2000(E) ET SEQ. (DISPARATE TREATMENT)

Galena Goins and similarly situated Women employees at United Parcel Service, Inc. belong to a protected class, (2) were performing according to their employer's legitimate expectations, (3) suffered an adverse employment action, and (4) other employees with similar qualifications were treated more favorably.

Plaintiff claims that Defendant had a pattern or practice of discriminating against women: by not accurately recording their time worked, denying them accommodations for their disability, and not following their own anti-discrimination & harassment policies.

VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. § 2000(e) et seq. GENDER DISCRIMINATION (DISPARATE IMPACT)

Galena Goins and similarly situated Women employees at United Parcel Service, Inc (1) show a significant disparate impact on their protected class; (2) identify the specific employment practices or selection criteria at issue: Time Clock Policy; Code of Business Conduct; UPS' policy titled "UPS and the ADA" and Professional Conduct and Anti-Harassment Policy (3) show a causal relationship between the challenged practices or criteria and the disparate impact.

1 VIOLATION OF CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT, Cal. Gov. Code
§ 12940, et seq. GENDER DISCRIMINATION

2 Galena Goins and similarly situated Women employees at United Parcel Service, Inc.
3 belong to a protected class; they were qualified for the position or were performing
4 competently in the position they held; they suffered an adverse employment action, such as
5 termination, demotion, or denial of an available job; and some other circumstance
6 suggested discriminatory motive. Cal. Gov't Code § 12900, et seq.

7 VIOLATION OF THE FAIR LABOR STANDARDS ACT OF 1938, as amended by THE
8 EQUAL PAY ACT OF 1963, 29 U.S.C. § 216(b)

9 Galena Goins and similarly situated Women employees at United Parcel Service, Inc.
10 belong to a protected class, who did work that was "substantially equal" to male employees
11 at Respondent's workplace; Galena Goins and similarly situated Women employees and
12 male employees did their jobs under similar working conditions; Respondent paid Galena
13 Goins and similarly situated Women employees less money than a male employee doing
14 substantially equal work.

15 VIOLATION OF THE CALIFORNIA EQUAL PAY ACT, as amended by THE CALIFORNIA
16 FAIR PAY ACT, Cal. Lab. Code § 1197.5, et seq.

17 Galena Goins and similarly situated Women employees were paid at a wage rate that is less
18 than the rate paid Male employees working for Respondent; Galena Goins and similarly
19 situated Women employees perform substantially similar work as the Male employees,
20 considering the overall combination of skill, effort, and responsibility required; Galena Goins
21 and similarly situated Women employees work under similar working conditions as the Male
22 employees.

23 VIOLATION OF CALIFORNIA BUSINESS AND PROFESSIONS CODE, Cal. Bus. & Prof.
24 Code § 17200 et seq. UNFAIR COMPETITION

25 The UCL permits both private parties and public prosecutors to bring suits to combat "unfair
26 competition," which is defined broadly to include "any unlawful, unfair or fraudulent business
27 act or practice." (Bus. & Prof. Code, § 17200.) Galena Goins and similarly situated Women
28 employees seek an injunction and restitution of money or property acquired by means of
unfair competition. (Id., § 17203.)

1 VERIFICATION

2 I, **Tiega-Noel Varlack**, am the **Attorney** in the above-entitled complaint. I have read
3 the foregoing complaint and know the contents thereof. The matters alleged are
4 based on information and belief, which I believe to be true.

5 On January 23, 2023, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Hayward, CA**
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26 -4-

27 *Complaint – CRD No. 202301-19468923*

28 Date Filed: January 23, 2023

**COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE
CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT****CASE NUMBER**

202004-10057030

COMPLAINANT

Sonia Lopez

ADDRESSC/O Varlack Legal, 225 West Winton
Avenue, Ste 207
Hayward, CA 94544**PHONE**

562-385-6781

TYPE OF DISCRIMINATION AND LAW

Government Code 12940

NAMED IS THE EMPLOYER, PERSON, AGENCY, ORGANIZATION OR GOVERNMENT ENTITY WHO DISCRIMINATED AGAINST ME

RESPONDENT(S)

United Parcel Service

ADDRESS8400 Pardee Drive
Oakland, CA 94621**PHONE**

(800) 742-5877

Conner O'Reilly

8400 Pardee Drive
Oakland, CA 94621**AGENT FOR SERVICE**Corporation Service Company Which
Will Do Business In California As
CSC - Lawyers Incorporating Service,
Agent of Service for United Parcel
Service**ADDRESS**2710 Gateway Oaks Dr, Ste 150N
Sacramento, CA 95833-3502**PHONE**

(866) 403-5272

NO. OF EMPLOYEES

1000+

- Allegation -**I ALLEGE THAT I EXPERIENCED**

Harassment

ON OR BEFORE

August 13, 2020

BECAUSE OF MY ACTUAL OR PERCEIVED

Sex/Gender

PARTICULARS

In October 1999, I was hired as a Bagger, currently earning \$27.80 per hour. I was subjected to sexual

FORM REV Pending

Page 1 of 3

**COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE
CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT****CASE NUMBER**202004-10057030

harassment by my supervisor Conner O'Reilly. The harassment is visual and verbal in nature. Since April 2018 and most recently in July 2020, Mr. O'Reilly would frequently leer at me and other female coworkers and positioned himself in order to peer under our clothing. He also frequently made inappropriate comments about my body or attires openly. I have reported the harassment to upper management numerous times and most recently in June 2020, but no actions were taken. The harassment continues and created a hostile working environment.

- Allegation 2 -**I ALLEGE THAT I EXPERIENCED**

Discrimination

ON OR BEFORE

August 13, 2020

BECAUSE OF MY ACTUAL OR PERCEIVED

Age (40 and over); Sex/Gender

AS A RESULT, I WAS SUBJECTED TO

Denied work opportunities or assignments

PARTICULARS

I am 44 years old and I was subjected to disparate treatment by my employer. The disparate treatments include but not limited to consistently made to work faster and was assigned heavier jobs despite having more seniority. I was also required to clean up areas that I am not responsible for. I had been forced to end my shift prematurely several times and most recently in June 12, 2020. I am aware that my younger female coworkers and male coworkers in general were not treated similarly. I believe I was discriminated based on my age and gender.

- Allegation 3 -**I ALLEGE THAT I EXPERIENCED**

Discrimination

ON OR BEFORE

August 13, 2020

BECAUSE OF MY ACTUAL OR PERCEIVED

Disability (physical or mental)

AS A RESULT, I WAS SUBJECTED TO

Denied reasonable accommodation for a disability

PARTICULARS

On June 19, 2020, I requested to be moved to other areas that require less heavy lifting due to my previous work injury. My employer is aware of my disability. I was not given the interactive process and my request was ignored. I believe I was discriminated in denied reasonable accommodation due to my disability.

**COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE
CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT****CASE NUMBER**202004-10057030

- Allegation 4 -**I ALLEGE THAT I EXPERIENCED**

Retaliation

ON OR BEFORE

August 13, 2020

BECAUSE OF MY ACTUAL OR PERCEIVED

Reported or resisted any form of discrimination or harassment

AS A RESULT, I WAS SUBJECTED TO

Denied any employment benefit or privilege

PARTICULARS

Since April 2018, I have reported discrimination and harassment to my employer numerous times. In January 2020, the bonus longevity vacation time earned was not given. I inquired with Human Resources, but no reason was given. I believe I was not given the bonus in retaliation for reporting discrimination and harassment.

SIGNED UNDER PENALTY OF PERJURY

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to matters stated on my information and belief, and as to those matters I believe them to be true.

SIGNATURE OF COMPLAINANT OR COMPLAINANT'S LEGAL REPRESENTATIVE:**DATE:**

9/8/2020



COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

CASE NUMBER

202008-11038622

COMPLAINANT

Terry Jones-Jackson

ADDRESS**PHONE****TYPE OF DISCRIMINATION AND LAW**

Government Code 12940

NAMED IS THE EMPLOYER, PERSON, AGENCY, ORGANIZATION OR GOVERNMENT ENTITY WHO DISCRIMINATED AGAINST ME

RESPONDENT(S)

United Parcel Services, Inc.

ADDRESS8400 Pardee Dr
Oakland, California 94621**PHONE**

(800) 742-5877

Connor O'Reilly

8400 Pardee Drive
Oakland, CA 94621**AGENT FOR SERVICE**Keishia Lee Cavil, Agent of Service
for United Parcel Services, Inc.**ADDRESS**8475 Pardee Drive
Oakland, CA 94621**PHONE**

5106362514

NO. OF EMPLOYEES**- Allegation -****I ALLEGE THAT I EXPERIENCED**

Discrimination

ON OR BEFORE

May 31, 2020

BECAUSE OF MY ACTUAL OR PERCEIVED

Sex/Gender

AS A RESULT, I WAS SUBJECTED TO

Denied equal pay

PARTICULARS

From in or about January 2019 to May 2019, I was denied equal pay based on my sex/gender (female), in that during this time period I was paid \$25.59 per hour, while a male sorter (name on file at DFEH) with the same

FORM REV Pending
Page 1 of 4



COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

CASE NUMBER

202008-11038622

seniority was paid \$26.59 per hour.

- Allegation2 -

I ALLEGE THAT I EXPERIENCED

Discrimination

ON OR BEFORE

August 31, 2020

BECAUSE OF MY ACTUAL OR PERCEIVED

Sex/Gender

AS A RESULT, I WAS SUBJECTED TO

Denied any employment benefit or privilege

PARTICULARS

On or about August 2019, I was denied an employment benefit or privilege based on my sex/gender (female). On or about the August 2019, manager Greg Hollaman moved me from working on automotive sorting to manual sorting for about four weeks, while he kept male sorters working in automotive sorting.

- Allegation3 -

I ALLEGE THAT I EXPERIENCED

Discrimination

ON OR BEFORE

March 20, 2020

BECAUSE OF MY ACTUAL OR PERCEIVED

Sex/Gender

AS A RESULT, I WAS SUBJECTED TO

Denied work opportunities or assignments

PARTICULARS

From on or about 2019 to February 2020, I was denied work opportunities or assignments based on my sex/gender (female), in that management denied me the opportunity to work overtime, while a male sorter with my same seniority (name on file at DFEH) was allowed to work overtime.

- Allegation4 -

I ALLEGE THAT I EXPERIENCED

Harassment

ON OR BEFORE

November 13, 2020

BECAUSE OF MY ACTUAL OR PERCEIVED

Sex/Gender

PARTICULARS

From in or about 2019 to date, I have been subjected to sexual harassment-hostile environment by manager Connor O'Reilly, which is discrimination on the basis of sex (female). During this time period, I have observed Mr. O'Reilly stare at females who wear see-through clothes and tight pants, and ask them for hugs on a daily basis, which created a hostile environment.



COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

CASE NUMBER

202008-11038622

- Allegation5 -

I ALLEGE THAT I EXPERIENCED

Discrimination

ON OR BEFORE

November 13, 2020

BECAUSE OF MY ACTUAL OR PERCEIVED

Sexual harassment- hostile environment

AS A RESULT, I WAS SUBJECTED TO

Denied work opportunities or assignments

PARTICULARS

From on or about 2019 to date, I have been denied work opportunities or assignments based on sexual harassment-hostile environment, in that manager Connor O'Reilly removed me for small sort assignment and replaced me with females he stares at who wear see-through clothes and tight pants, and to whom he asks for hugs.

Jimmy & Robin Removed me from Small Sort.

SIGNED UNDER PENALTY OF PERJURY

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to matters stated on my information and belief, and as to those matters I believe them to be true.

SIGNATURE OF COMPLAINANT OR COMPLAINANT'S LEGAL REPRESENTATIVE:

DATE:

[Handwritten Signature]

11/14/2020



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

Employment

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

CASE NUMBER

202008-11038422

EEOC NUMBER

37A-2021-00464-C

COMPLAINANT

Galena Golns

ADDRESS2237 Linden Street
Oakland, CA 94607**PHONE**

(510) 472-3012

TYPE OF DISCRIMINATION AND LAW

Government Code 12940

NAMED IS THE EMPLOYER, PERSON, AGENCY, ORGANIZATION OR GOVERNMENT ENTITY WHO DISCRIMINATED AGAINST ME

RESPONDENT(S)

United Parcel Service, Inc.

ADDRESS8400 Pardee Drive
Oakland, CA 94621**PHONE**

(800) 742-5877

AGENT FOR SERVICECSC Lawyers Incorporating Service,
Agent of Service for United Parcel
Service, Inc.**ADDRESS**2710 Gateway Oaks Drive, Suite
150N
Sacramento, CA 95833**PHONE****NO. OF EMPLOYEES**
200-300

- Allegation 1 -

I ALLEGE THAT I EXPERIENCED

Discrimination

ON OR BEFORE

October 29, 2020

BECAUSE OF MY ACTUAL OR PERCEIVED

Disability (physical or mental)

AS A RESULT, I WAS SUBJECTED TO

Denied reasonable accommodation for a disability

PARTICULARS

From March 2018 to the present I have been denied the interactive process and reasonable accommodation based on my disability. From March 2018 to the present I requested to be placed in the Sorting area and a pad to walk on due to my disability; however, my accommodation was denied.

FORM REV Pending
Page 1 of 3

**COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE
CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT****CASE NUMBER**

202008-11038422

EEOC NUMBER

37A-2021-00464-C

- Allegation 2 -**I ALLEGE THAT I EXPERIENCED**

Discrimination

ON OR BEFORE

October 29, 2020

BECAUSE OF MY ACTUAL OR PERCEIVED

Age (40 and over); Sex/Gender

AS A RESULT, I WAS SUBJECTED TO

Denied any employment benefit or privilege

PARTICULARS

From January 2019 to the present I have been subjected to differential treatment based on my sex/gender (female) and age (58). From January 2019 to the present Ricardo Moreno assigns me extra duties and heavier work moved me from the back area to the bagging area and does not provide me help. To the best of my knowledge younger male co-workers are not treated in the same manner.

- Allegation 3 -**I ALLEGE THAT I EXPERIENCED**

Discrimination

ON OR BEFORE

September 30, 2020

BECAUSE OF MY ACTUAL OR PERCEIVED

Age (40 and over); Sex/Gender

AS A RESULT, I WAS SUBJECTED TO

Reprimanded

PARTICULARS

In September 2020 I was subjected to differential treatment based on my sex/gender (female) and age (58). In September 2020 I was evaluated three times in one month and written due to work performance. To the best of my knowledge, I have no performance issues. I am aware that male co-workers are not evaluated three times in a month.

- Allegation 4 -**I ALLEGE THAT I EXPERIENCED**

Discrimination

ON OR BEFORE

September 30, 2020

BECAUSE OF MY ACTUAL OR PERCEIVED

Age (40 and over); Sex/Gender

AS A RESULT, I WAS SUBJECTED TO

Denied any employment benefit or privilege

PARTICULARS

In September 2020 I was subjected to differential treatment based on my sex/gender (female) and age (58). In September 2020 my work hours were reduced by 1-2 hours per shift. I am aware that younger male co-workers hours have not been reduced.



COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

CASE NUMBER

202008-11038422

EEOC NUMBER

37A-2021-00464-C

SIGNED UNDER PENALTY OF PERJURY

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to matters stated on my information and belief, and as to those matters I believe them to be true.

SIGNATURE OF COMPLAINANT OR COMPLAINANT'S LEGAL REPRESENTATIVE:**DATE:***Tiesha-Noel Varlack*

Nov 19, 2020

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Galena Goins:

vs.

United Parcel Service, Inc.

PERSON FILING CHARGE

Galena Goins:

THIS PERSON (CHECK ONE)

☒ Claims to be aggrieved☐ Is filing on behalf of other person(s)

DATE OF ALLEGED VIOLATION

Earliest
January 1, 2019Most Recent
July 31, 2020

PLACE OF ALLEGED VIOLATION

California, County of Alameda

EEOC CHARGE NUMBER

37A-2021-00464-C

FEPA CHARGE NUMBER (if known)

202008-11038422

NOTICE OF CHARGE OF DISCRIMINATION IN JURISDICTIONS WHERE AN FEP AGENCY WILL INITIALLY PROCESS

(See EEOC "Rules and Regulations" for additional information)

YOU ARE HEREBY NOTIFIED THAT A CHARGE OF EMPLOYMENT DISCRIMINATION UNDER

- ☒ Title VII of the Civil Rights Act of 1964
- ☐ The Age Discrimination in Employment Act of 1967 (ADEA)
- ☒ The Americans with Disabilities Act of 1990 (ADA)

HAS BEEN RECEIVED BY

- ☐ The EEOC and sent for initial processing to _____
(FEP Agency)
- ☒ The CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING and sent to the EEOC for dual filing purposes.

While EEOC has jurisdiction (upon the expiration of any deferral requirement if this is a Title VII charge) to investigate this charge, EEOC may refrain from beginning an investigation and await the issuance of the Agency's final findings and orders. These final findings and orders will be given weight by EEOC in making its own determination as to whether or not reasonable cause exists to believe that the allegations made in the charge are true.

You are therefore encouraged to cooperate fully with the Agency. All facts and evidence provided by you to the Agency in the course of its proceedings will be considered by the Commission when it reviews the Agency's final findings and orders. In many instances the Commission will take no further action, thereby avoiding the necessity of an investigation by both the Agency and the Commission. This likelihood is increased by your active cooperation with the Agency.

- ☒ As a party to the charge, you may request that EEOC review the final decision and order of the above named Agency. For such a request to be honored, you must notify the Commission in writing within 15 days of your receipt of the Agency's final decision and order. If the Agency terminates its proceedings without issuing a final finding and order, you will be contacted further by the Commission. Regardless of whether the Agency or the Commission processes the charge, the Recordkeeping and Non-Retaliation provision of Title VII and the ADEA as explained on the reverse side of this form apply.

For further correspondence on this matter, please use the charge number(s) shown.

- ☐ An Equal Pay Act investigation (29 U.S.C. 209(d)) will be conducted by the Commission concurrently with the Agency's investigation of the charge.
- ☒ Enclosure: Copy of the Charge

BASIS OF DISCRIMINATION:

- ☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☒ AGE ☐ OTHER
- ☒ DISABILITY ☐ RETALIATION

CIRCUMSTANCES OF ALLEGED VIOLATION:

See attached complaint.

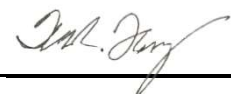
DATE

November 24, 2020

TYPED NAME/TITLE OF AUTHORIZED EEOC OFFICIAL

William R. Tamayo

SIGNATURE





STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

December 11, 2020

Terry Jones-Jackson
c/o Varlack Legal
225 West Winton Avenue, Suite 207
Hayward, CA 94544

RE: Notice of Case Closure and Right to Sue
DFEH Matter Number: 202012-12055111
Right to Sue: Jones-Jackson / United Parcel Services, Inc. et al.

Dear Terry Jones-Jackson:

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective December 8, 2020 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing



**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
RIGHT-TO-SUE**

Your submission of this document acknowledges that you have read and agree to the DFEH's Privacy Policy. By submitting this document, you are declaring under penalty of perjury under the laws of the State of California that to the best of your knowledge all information stated is true and correct, except matters stated on information and belief, which you believe to be true.

DFEH CASE NUMBER (IF APPLICABLE):

202012-12055111

COMPLAINANT:

NAME:

Terry Jones-Jackson

TELEPHONE NUMBER:

ADDRESS:

c/o Varlack Legal 225 West Winton Avenue, Suite 207

EMAIL ADDRESS:

CITY/STATE/ZIP:

Hayward, CA 94544

RESPONDENT:

NAME:

United Parcel Services, Inc.

TELEPHONE NUMBER:

800-742-5877

ADDRESS:

8400 Pardee Dr Oakland

CITY/STATE/ZIP:

California 94621

NUMBER OF EMPLOYEES: 1,000 + TYPE OF EMPLOYER: Transportation

RECEIVED

DEC 08 2020

Department of Fair Employment & Housing
Elk Grove

ADD CO-RESPONDENT:

NAME: Connor O'Reilly

TITLE: _____

ADDRESS: 8400 Pardee Dr Oakland

California 94621

TELEPHONE NUMBER: _____

ADD CO-RESPONDENT:

NAME: _____

TITLE: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

DATE OF HARM:

LAST DATE OF HARM (Month/Day/Year): 11/13/2020

1. I ALLEGE THAT I EXPERIENCED: ☒ Discrimination ☒ Harassment

BECAUSE OF MY ACTUAL OR PERCEIVED:

- ☒ Age (40 and over)
- ☐ Ancestry
- ☐ Association with a member of a protected class
- ☐ Baby Bonding Leave (employers of 20-49 people)
- ☐ Criminal History
- ☐ Color
- ☐ Disability (physical or mental)
- ☐ Family Care or Medical Leave (CFRA) (employers of 50 or more people)
- ☐ Gender Identity or Expression
- ☐ Genetic Information or Characteristic
- ☐ Marital Status
- ☐ Medical Condition (cancer or genetic characteristic)
- ☐ Military and Veteran Status
- ☐ National Origin (includes language restrictions)
- ☒ Race
- ☐ Religious creed (includes dress and grooming practices)
- ☒ Sex/Gender
- ☒ Sexual harassment – hostile environment
- ☐ Sexual harassment – quid pro quo
- ☐ Sexual orientation
- ☐ Other (specify) _____

AS A RESULT, I WAS:

- ☒ Asked impermissible non-job-related questions
- ☐ Denied Baby Bonding Leave (employers of 20-49 people)
- ☒ Demoted
- ☐ Denied accommodation for pregnancy
- ☐ Denied accommodation for religious beliefs
- ☐ Denied any employment benefit or privilege
- ☐ Denied employer paid health care while on pregnancy disability leave
- ☐ Denied equal pay
- ☐ Denied Family Care or Medical Leave (CFRA) (employers of 50 or more people)
- ☐ Denied hire or promotion
- ☐ Denied or forced to transfer
- ☐ Denied reasonable accommodation for a disability
- ☐ Denied the right to wear pants
- ☐ Denied a work environment free of discrimination and/or retaliation
- ☐ Denied work opportunities or assignments
- ☐ Forced to quit
- ☐ Laid off
- ☒ Reprimanded
- ☐ Suspended
- ☒ Terminated
- ☐ Other (specify) _____

I ALLEGE THAT I EXPERIENCED: ☒ Retaliation

BECAUSE I:

- ☒ Reported or resisted any form of discrimination or harassment
- ☒ Participated as a witness in a discrimination or harassment complaint
- ☐ Requested or used baby bonding leave (employers of 20-49 people)
- ☐ Requested or used pregnancy disability related accommodation
- ☐ Requested or used leave under the California Family Rights Act or FMLA (employers of 50 or more people)
- ☐ Requested or used a disability-related accommodation
- ☐ Requested or used a religious accommodation
- ☐ Reported patient abuse (hospital employees only)

AS A RESULT I WAS:

- ☐ Asked impermissible non-job-related questions
- ☒ Demoted
- ☐ Denied accommodation for pregnancy
- ☐ Denied accommodation for religious beliefs
- ☐ Denied baby bonding leave (employers of 20-49 people)
- ☐ Denied any employment benefit or privilege
- ☐ Denied employer paid health care while on pregnancy disability leave
- ☒ Denied equal pay
- ☐ Denied Family Care or Medical Leave (CFRA) (employers of 50 or more people)
- ☒ Denied hire or promotion
- ☐ Denied or forced to transfer
- ☐ Denied reasonable accommodation for a disability
- ☐ Denied the right to wear pants
- ☐ Denied a work environment free of discrimination and/or retaliation Denied work
- ☒ opportunities or assignments
- ☐ Forced to quit
- ☐ Laid off
- ☐ Reprimanded
- ☐ Suspended
- ☒ Terminated
- ☐ Other (specify) _____

2. Do you have an attorney who agreed to represent you in this matter? ☐ Yes ☒ No
If yes, please provide the attorney's contact information.

COMPLAINANT'S REPRESENTATIVE INFORMATION

Attorney Name: Tiega-Noel Varlack

Attorney Firm Name: Varlack Legal Services

Attorney Address: 225 W Winton Avenue, Suite 207

Attorney City, State, and Zip: Hayward, CA 94544

3. Briefly describe what you believe to be the reason(s) for the discrimination, harassment, or retaliation. (Optional)

VERIFICATION PAGE – THIS PAGE MUST BE COMPLETED

Before submitting the form, you must verify who you are and whether you are submitting this information for yourself or someone else.

Verifier Name:

Verifier's Relationship to Complainant:

Verifier's City and State:

By submitting this document, you are declaring under penalty of perjury under the laws of the State of California that to the best of your knowledge all information stated is true and correct, except matters stated on information and belief, which you believe to be true.

DEMOGRAPHIC INFORMATION

THIS INFORMATION IS OPTIONAL AND IS ONLY USED FOR STATISTICAL PURPOSES.

Primary Language: _____

Age: _____

GENDER:
☐ Male ☐ Female ☐ Other
MARITAL STATUS:
☐ Single ☐ Married ☐ Cohabitation ☐ Divorced
RACE:

☐ American Indian, Native American or Alaskan Native	☐ Native Hawaiian or Other Pacific Islander
☐ Asian	☐ White
☐ Black or African American	☐ Other

Ethnicity:
☐ Hispanic or Latino ☐ Non-Hispanic or Latino
NATIONAL ORIGIN:

☐ Afghani	☐ German	☐ Japanese	☐ Other Middle Eastern
☐ American [U.S.A]	☐ Ghanaian	☐ Korean	☐ Pakistani
☐ Asian Indian	☐ Guamanian	☐ Laotian	☐ Puerto Rican
☐ Bangladeshi	☐ Haitian	☐ Lebanese	☐ Salvadoran
☐ Cambodian	☐ Hawaiian	☐ Malaysian	☐ Samoan
☐ Canadian	☐ Hmong	☐ Mexican	☐ Sri Lankan
☐ Chinese	☐ Indonesian	☐ Nigerian	☐ Syrian
☐ Cuban	☐ Iranian	☐ Other	☐ Taiwanese
☐ Dominican	☐ Iraqi	☐ Other African	☐ Thai
☐ Egyptian	☐ Irish	☐ Other Asian	☐ Tongan
☐ English	☐ Israeli	☐ Other Caribbean	☐ Vietnamese
☐ Ethiopian	☐ Italian	☐ Other European	
☐ Fijian	☐ Jamaican	☐ Other Hispanic/Latino	
☐ Filipino			

DEMOGRAPHIC INFORMATION

THIS INFORMATION IS OPTIONAL AND IS ONLY USED FOR STATISTICAL PURPOSES.

DISABILITY:

- | | |
|---|--|
| ☐ AIDS or HIV | ☐ Limbs [Arms / Legs] |
| ☐ Blood / Circulation | ☐ Mental |
| ☐ Brain / Nerves / Muscles | ☐ Sight |
| ☐ Digestive / Urinary / Reproduction | ☐ Speech / Respiration |
| ☐ Hearing | ☐ Spinal / Back / Respiration |
| ☐ Heart | ☐ Other Disability |

RELIGION:

- | | |
|--|---|
| ☐ Agnostic | ☐ Nonreligious |
| ☐ Atheist | ☐ Protestantism |
| ☐ Bahai | ☐ Primal-indigenous |
| ☐ Buddhism | ☐ Quakers |
| ☐ Catholicism | ☐ Rastafarianism |
| ☐ Christianity | ☐ Spiritism |
| ☐ Confucianism | ☐ Shinto |
| ☐ Hinduism | ☐ Sikhism |
| ☐ Islam | ☐ Taoism |
| ☐ Jehovah's Witness | ☐ Unitarian-Universalism |
| ☐ Judaism | ☐ Zoroastrianism |
| ☐ Neo-Paganism | ☐ Other |

EEOC Form 161 (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Crystal D. Ryan-Williams**
3451 Tippitt Rd
Carlisle, AR 72024

From: **Little Rock Area Office**
820 Louisiana
Suite 200
Little Rock, AR 72201

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

493-2021-01156

Margie Myers,
Investigator

(501) 324-6214

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


6/29/2021

Enclosures(s)

William A. Cash, Jr.,
Area Office Director

(Date Issued)

cc:

UPS
1700 Mayor Ln
Conway, AR 72032

EEOC Form 161 (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Melissa McKay**
177 Hwy 310
Enola, AR 72047

From: **Little Rock Area Office**
820 Louisiana
Suite 200
Little Rock, AR 72201



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

493-2021-00916

Chris E. Stafford,
Investigator

(501) 324-5812**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



09/24/2021

Enclosures(s)

William A. Cash, Jr.,
Area Office Director

(Date Issued)

cc:

Marvelle Fluker
Sr Legal Admin
UPS CORPORATE LEGAL DEPARTMENT
55 GLENLAKE PKWY
Atlanta, GA 30328

Robbin Wilder
Employment Law Solution
800 MOUNT VERNON HWY NE, STE 410
Atlanta, GA 30328

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
 (800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

July 19, 2021

Via First Class Mail and Email
tiega@varlacklegal.com

Galena Goins
 2237 Linden Street
 Oakland, CA 94607

RE: Notice of Case Closure and Right to Sue**Case Number:** 202008-11038422**EEOC Number:** 37A-2021-00464-C**Case Name:** Goins / United Parcel Service, Inc.

Dear Galena Goins:

The Department of Fair Employment and Housing (DFEH) has closed your case for the following reason: Complainant Elected Court Action.

This is your Right to Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. This is also applicable to DFEH complaints that are filed under, and allege a violation of, Government Code section 12948, which incorporates Civil Code sections 51, 51.7, and 54. The civil action must be filed within one year from the date of this letter. However, if your civil complaint alleges a violation of Civil Code section 51, 51.7, or 54, you should consult an attorney about the applicable statutes of limitation.

Please note that if a settlement agreement has been signed resolving the complaint, you may have waived the right to file a private lawsuit. Should you decide to bring a civil action on your own behalf in court in the State of California under the provisions of the California Fair Employment and Housing Act (FEHA) against the person, employer, labor organization or employment agency named in your complaint, below are resources for this.

Finding an Attorney

To proceed in Superior Court, you should contact an attorney. If you do not already have an attorney, the organizations listed below may be able to assist you:

- The State Bar of California has a Lawyer Referral Services Program which can be accessed through its Web site at www.calbar.ca.gov or by calling (866) 442-2529 (within California) or (415) 538-2250 (outside California).
- Your county may have a lawyer referral service. Check the Yellow Pages of your telephone book under "Attorneys."

Filing in Small Claims Court

- The Department of Consumer Affairs (DCA) has a publication titled “The Small Claims Court: A Guide to Its Practical Use” online at of “The Small Claims Court: A Guide to Its Practical Use” online at http://www.dca.ca.gov/publications/small_claims/.
- You may also [order a free copy](#) of “The Small Claims Court: A Guide to Its Practical Use” online, by calling the DCA Publication Hotline at (866) 320-8652, or by writing to them at: DCA, Office of Publications, Design and Editing; 1625 North Market Blvd., Suite N-112; Sacramento; CA; 95834.
- The State Bar of California has information on “Using the Small Claims Court” under the “Public Services” section of its Web site located at www.calbar.ca.gov

Sincerely,



Sylvia Knight
Associate Governmental Program Analyst
916-585-8146
sylvia.knight@dfmh.ca.gov

Cc: Tiega-Noel Varlack, Esq.
Varlack Legal Services
225 W. Winton Avenue, Suite 207
Hayward, CA 94544

United Parcel Service, Inc.
8400 Pardee Drive
Oakland, CA 94621

Shea Lukacsko, Esq.
Littler Mendelson, PC
2301 McGee St 8th FL
Kansas City, MO 64108-2660



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
 (800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfefh.ca.gov

July 6, 2021

Via First Class Mail
tiega@varlacklegal.com

Sonia Lopez
 c/o Varlack Legal,
 225 West Winton Avenue, Ste 207
 Hayward, CA 94544

RE: Notice of Case Closure and Right to Sue
Case Number: 202004-10057030
EEOC Number: 37A-2020-03949-C
Case Name: Lopez / United Parcel Service, Inc. et al.

Dear Sonia Lopez:

The Department of Fair Employment and Housing (DFEH) has closed your case for the following reason: Withdrawn.

This is your Right to Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. This is also applicable to DFEH complaints that are filed under, and allege a violation of, Government Code section 12948, which incorporates Civil Code sections 51, 51.7, and 54. The civil action must be filed within one year from the date of this letter. However, if your civil complaint alleges a violation of Civil Code section 51, 51.7, or 54, you should consult an attorney about the applicable statutes of limitation.

Please note that if a settlement agreement has been signed resolving the complaint, you may have waived the right to file a private lawsuit. Should you decide to bring a civil action on your own behalf in court in the State of California under the provisions of the California Fair Employment and Housing Act (FEHA) against the person, employer, labor organization or employment agency named in your complaint, below are resources for this.

Finding an Attorney

To proceed in Superior Court, you should contact an attorney. If you do not already have an attorney, the organizations listed below may be able to assist you:

- The State Bar of California has a Lawyer Referral Services Program which can be accessed through its Web site at www.calbar.ca.gov or by calling (866) 442-2529 (within California) or (415) 538-2250 (outside California).
- Your county may have a lawyer referral service. Check the Yellow Pages of your telephone book under "Attorneys."

Notice of Case Closure Settled or Withdrawn – Employment

July 6, 2021

Page 2 of 2

Filing in Small Claims Court

- The Department of Consumer Affairs (DCA) has a publication titled "The Small Claims Court: A Guide to Its Practical Use" online at of "The Small Claims Court: A Guide to Its Practical Use" online at http://www.dca.ca.gov/publications/small_claims/.
- You may also order a free copy of "The Small Claims Court: A Guide to Its Practical Use" online, by calling the DCA Publication Hotline at (866) 320-8652, or by writing to them at: DCA, Office of Publications, Design and Editing; 1625 North Market Blvd., Suite N-112; Sacramento; CA; 95834.
- The State Bar of California has information on "Using the Small Claims Court" under the "Public Services" section of its Web site located at www.calbar.ca.gov

Sincerely,

Steve Lopez

Steve Lopez
Consultant III
(916) 585-7086
steve.lopez@dfmh.ca.gov

Cc:

United Parcel Service, Inc.
Conner O'Reilly
c/o Shea Lukacsko
2301 McGee St 8th FL
Kansas City, MO 64108-2660

Sonia Lopez
c/o Varlack Legal,
225 West Winton Avenue, Ste 207
Hayward, CA 94544



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
 (800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

April 9, 2021

Via First Class Mail/Email
todayisagoodday54321@gmail.com

Terry Jones-Jackson
 225 W Winton Ave, Ste 207
 Hayward, CA 94544-1219

RE: Notice of Case Closure and Right to Sue**Case Number:** 202008-11038622**EEOC Number:** 37A-2021-00556-C**Case Name:** Jones-Jackson / United Parcel Services, Inc. et al.

Dear Terry Jones-Jackson:

The Department of Fair Employment and Housing (DFEH) has closed your case for the following reason: Complainant Elected Court Action.

This is your Right to Sue notice. As specified in Government Code section 12965, subdivision (b), you may file your own civil action asserting employment claims under the FEHA within one year of the date of this letter. If you want to file a civil action that includes other claims, you should consult an attorney about the applicable statutes of limitations.

Please note that if a settlement agreement has been signed resolving the complaint, you may have waived the right to file a private lawsuit. Below are resources to assist you in deciding whether to bring a civil action on your own behalf in court in the State of California under the provisions of the FEHA against the person, employer, labor organization or employment agency named in your complaint. To proceed in Superior Court, you should contact an attorney.

- The State Bar of California has a Lawyer Referral Services Program which can be accessed through its website at www.calbar.ca.gov under the "Public" link, or by calling (866) 442-2529 (within California) or (415) 538-2250 (outside California).
- Your local city or county may also have a lawyer referral or legal aid service.
- The Department of Consumer Affairs (DCA) has a publication titled "The Small Claims Court: A Guide to Its Practical Use" online at http://www.dca.ca.gov/publications/small_claims. You may also order a free copy online by calling the DCA Publication Hotline at (866) 320-8652, or by writing to them at: DCA, Office of Publications, Design and Editing, 1625 North Market Blvd., Suite N-112, Sacramento, CA 95834.

Sincerely,

John Sobiski
 Consultant III
 661-395-2859
john.sobiski@dfeh.ca.gov

Notice of Case Closure Settled or Withdrawn – Employment

April 9, 2021

Page 2 of 2

Cc:

Ms. Keishia Lee Cavil
United Parcel Services, Inc.
8400 Pardee Dr
Oakland, CA 94621-1412

Connor O'Reilly
United Parcel Services, Inc.
8400 Pardee Dr.
Oakland, CA 94621-1412

Shea Lukacsko
Littler Mendelson
2301 McGee St 8th FL
Kansas City, MO 64103-2630

Tiega-Noel Varlack
Varlack Legal Services
225 W Winton Ave, Ste 207
Hayward, CA 94544-1219

Tiega-Noel Varlack
Varlack Legal Services
225 W Winton Ave, Ste 207
Hayward, CA 94544-1219

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Terry Jones-Jackson
C/O Varlack Legal Services
225 W Winton Ave Ste 207
Hayward, CA 94544

From: Los Angeles District Office
255 E. Temple St. 4th Floor
Los Angeles, CA 90012

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

480-2022-00591

Garrett D. Hoover,
Intake Supervisor

(213) 785-3001

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

☐

More than 180 days have passed since the filing of this charge.

☒

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

☐

The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

☐

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

CHRISTINE PARK-
GONZALEZ

Digitally signed by CHRISTINE PARK-
GONZALEZ

Date: 2021.12.17 12:05:45 -08'00'

Enclosures(s)

Christine Park-Gonzalez,
Acting District Director

(Date Issued)

cc:

Tanya Chance
Sr. Legal Assistant
UPS
55 Glenlake Pkwy NE
Ups Legal Dept B3 / F4
Atlanta, GA 30328

Tiega-Noel Varlack
VARLACK LEGAL SERVICES
225 W Winton Ave, Ste 207
Hayward, CA 94544

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

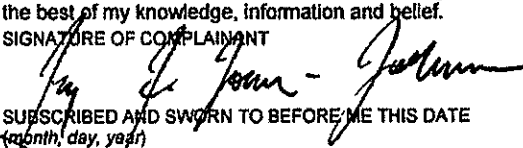
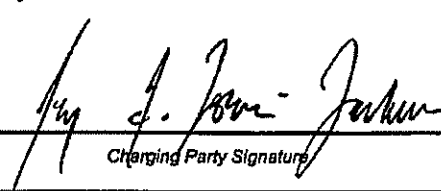
If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): ☐ FEPA ☒ EEOC 480-2022-00591	
_____ and EEOC State or local Agency, if any			
Name (Indicate Mr., Ms., Mrs.) Ms. Terry Jones-Jackson		Home Phone (Incl. Area Code) 	
Date of Birth 1967			
Street Address City, State and ZIP Code C/O Varlack Legal Services, 225 W Winton Ave Ste 207, Hayward, CA 94544			
Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name UNITED PARCEL SERVICES INC		No. Employees, Members 500 or More	
Phone No. (Include Area Code)			
Street Address City, State and ZIP Code 8400 Pardee Drive, Oakland, CA 94621			
Name		No. Employees, Members	
Phone No. (Include Area Code)			
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) ☒ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION ☐ OTHER (Specify)			DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 10-05-2021 11-01-2021 ☒ CONTINUING ACTION
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I have been employed by Respondent since 1998 and currently hold the position of Sorter/Bagger. On or about October 5, 2021, I was harassed by a co-worker, Dwight (LNU) calling me names like "monkey" and "gorilla". I also heard from another co-worker that he was spreading rumors about my personal life. I called an 800 number hotline to report him and as a result he was moved to a different area but continues to harass me. A car similar to mine had the windows broken out and I believe it was my car that was targeted. I believe I was discriminated against because of my sex, female, and my race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Date 11/6/2021		Charging Party Signature 	

CP Enclosure with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

EEOC Form 161-B (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Sonia Lopez**
C/O Varlack Legal
225 West Winton Avenue, #207
Hayward, CA 94544

From: **Los Angeles District Office**
255 E. Temple St. 4th Floor
Los Angeles, CA 90012

☐

On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

37A-2020-03949

Karrie L. Maeda,
State, Local & Tribal Program Manager

(213) 785-3002

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

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☒

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The EEOC will continue to process this charge.

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If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Karrie L.
 Maeda

Digitally signed by Karrie L.
 Maeda
 Date: 2021.08.23 08:25:35
 -07'00'

August 23, 2021

(Date Issued)

Enclosures(s)

For Rosa M. Viramontes,
District Director

CC: **Marvelle M. Fluker, Esq.**
Senior Legal Assistant
UPS CORPORATE LEGAL DEPARTMENT
55 Glenlake Parkway, NE
Building 3/4th Floor
Atlanta, GA 30328

127 AUG 2021

EEOC Form 161-B (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Galena Goins**
2237 Linden Street
Oakland, CA 94607

From: **Los Angeles District Office**
255 E. Temple St. 4th Floor
Los Angeles, CA 90012

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

37A-2021-00464

Karrie L. Maeda,
State, Local & Tribal Program Manager

(213) 785-3002

(See also the additional information enclosed with this form.)

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If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Karrie L. Maeda

Digitally signed by Karrie L.
 Maeda
 Date: 2021.08.26 08:55:32
 -07'00'

August 26, 2021

Enclosures(s)

For Rosa M. Viramontes,
District Director

(Date Issued)

CC:

Marvelle M. Fluker
Senior Legal Assistant
UPS CORPORATE LEGAL DEPARTMENT
55 Glenlake Parkway N E
Building 3 / 4th Floor
Atlanta, GA 30328

Enclosure with EEOC
Form 161-B (11/2020)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

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In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

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ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

NOTICE OF RIGHTS UNDER THE ADA AMENDMENTS ACT OF 2008 (ADAAA): The ADA was amended, effective January 1, 2009, to broaden the definitions of disability to make it easier for individuals to be covered under the ADA/ADAAA. A disability is still defined as (1) a physical or mental impairment that substantially limits one or more major life activities (actual disability); (2) a record of a substantially limiting impairment; or (3) being regarded as having a disability. *However, these terms are redefined, and it is easier to be covered under the new law.*

If you plan to retain an attorney to assist you with your ADA claim, we recommend that you share this information with your attorney and suggest that he or she consult the amended regulations and appendix, and other ADA related publications, available at http://www.eeoc.gov/laws/types/disability_regulations.cfm.

“Actual” disability or a “record of” a disability (note: if you are pursuing a failure to accommodate claim you must meet the standards for either “actual” or “record of” a disability):

- **The limitations from the impairment no longer have to be severe or significant** for the impairment to be considered substantially limiting.
- In addition to activities such as performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, thinking, concentrating, reading, bending, and communicating (more examples at 29 C.F.R. § 1630.2(i)), **“major life activities” now include the operation of major bodily functions**, such as: functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions; or the operation of an individual organ within a body system.
- **Only one** major life activity need be substantially limited.
- With the exception of ordinary eyeglasses or contact lenses, **the beneficial effects of “mitigating measures”** (e.g., hearing aid, prosthesis, medication, therapy, behavioral modifications) **are not considered** in determining if the impairment substantially limits a major life activity.
- An impairment that is **“episodic”** (e.g., epilepsy, depression, multiple sclerosis) or **“in remission”** (e.g., cancer) is a disability if it **would be substantially limiting when active**.
- An impairment **may be substantially limiting even though** it lasts or is expected to last **fewer than six months**.

“Regarded as” coverage:

- An individual can meet the definition of disability if an **employment action was taken because of an actual or perceived impairment** (e.g., refusal to hire, demotion, placement on involuntary leave, termination, exclusion for failure to meet a qualification standard, harassment, or denial of any other term, condition, or privilege of employment).
- “Regarded as” coverage under the ADAAA no longer requires that an impairment be substantially limiting, or that the employer perceives the impairment to be substantially limiting.
- The employer has a defense against a “regarded as” claim only when the impairment at issue is objectively **BOTH** transitory (lasting or expected to last six months or less) **AND** minor.
- A person is not able to bring a failure to accommodate claim *if* the individual is covered only under the “regarded as” definition of “disability.”

Note: Although the amended ADA states that the definition of disability “shall be construed broadly” and “should not demand extensive analysis,” some courts require specificity in the complaint explaining how an impairment substantially limits a major life activity or what facts indicate the challenged employment action was because of the impairment. Beyond the initial pleading stage, some courts will require specific evidence to establish disability. For more information, consult the amended regulations and appendix, as well as explanatory publications, available at http://www.eeoc.gov/laws/types/disability_regulations.cfm.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Galena Goins:

vs.

United Parcel Service, Inc.

PERSON FILING CHARGE

Galena Goins:

THIS PERSON (CHECK ONE)

☒ Claims to be aggrieved☐ Is filing on behalf of other person(s)

DATE OF ALLEGED VIOLATION

Earliest
January 1, 2019Most Recent
July 31, 2020

PLACE OF ALLEGED VIOLATION

California, County of Alameda

EEOC CHARGE NUMBER

37A-2021-00464-C

FEPA CHARGE NUMBER (if known)

202008-11038422

NOTICE OF CHARGE OF DISCRIMINATION IN JURISDICTIONS WHERE AN FEP AGENCY WILL INITIALLY PROCESS

(See EEOC "Rules and Regulations" for additional information)

YOU ARE HEREBY NOTIFIED THAT A CHARGE OF EMPLOYMENT DISCRIMINATION UNDER

- ☒ Title VII of the Civil Rights Act of 1964
- ☐ The Age Discrimination in Employment Act of 1967 (ADEA)
- ☒ The Americans with Disabilities Act of 1990 (ADA)

HAS BEEN RECEIVED BY

- ☐ The EEOC and sent for initial processing to _____
(FEP Agency)
- ☒ The CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING and sent to the EEOC for dual filing purposes.

While EEOC has jurisdiction (upon the expiration of any deferral requirement if this is a Title VII charge) to investigate this charge, EEOC may refrain from beginning an investigation and await the issuance of the Agency's final findings and orders. These final findings and orders will be given weight by EEOC in making its own determination as to whether or not reasonable cause exists to believe that the allegations made in the charge are true.

You are therefore encouraged to cooperate fully with the Agency. All facts and evidence provided by you to the Agency in the course of its proceedings will be considered by the Commission when it reviews the Agency's final findings and orders. In many instances the Commission will take no further action, thereby avoiding the necessity of an investigation by both the Agency and the Commission. This likelihood is increased by your active cooperation with the Agency.

- ☒ As a party to the charge, you may request that EEOC review the final decision and order of the above named Agency. For such a request to be honored, you must notify the Commission in writing within 15 days of your receipt of the Agency's final decision and order. If the Agency terminates its proceedings without issuing a final finding and order, you will be contacted further by the Commission. Regardless of whether the Agency or the Commission processes the charge, the Recordkeeping and Non-Retaliation provision of Title VII and the ADEA as explained on the reverse side of this form apply.

For further correspondence on this matter, please use the charge number(s) shown.

- ☐ An Equal Pay Act investigation (29 U.S.C. 209(d)) will be conducted by the Commission concurrently with the Agency's investigation of the charge.
- ☒ Enclosure: Copy of the Charge

BASIS OF DISCRIMINATION:

- ☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☒ AGE ☐ OTHER
- ☒ DISABILITY ☐ RETALIATION

CIRCUMSTANCES OF ALLEGED VIOLATION:

See attached complaint.

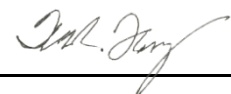
DATE

November 24, 2020

TYPED NAME/TITLE OF AUTHORIZED EEOC OFFICIAL

William R. Tamayo

SIGNATURE



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Terry Jones-Jackson
C/O Varlack Legal Services
225 W Winton Ave Ste 207
Hayward, CA 94544

From: Los Angeles District Office
255 E. Temple St. 4th Floor
Los Angeles, CA 90012

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

480-2022-00591

Garrett D. Hoover,
Intake Supervisor

(213) 785-3001

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

☐

More than 180 days have passed since the filing of this charge.

☒

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

☐

The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

☐

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

CHRISTINE PARK-
GONZALEZ

Digitally signed by CHRISTINE PARK-
GONZALEZ

Date: 2021.12.17 12:05:45 -08'00'

Enclosures(s)

Christine Park-Gonzalez,
Acting District Director

(Date Issued)

cc:

Tanya Chance
Sr. Legal Assistant
UPS
55 Glenlake Pkwy NE
Ups Legal Dept B3 / F4
Atlanta, GA 30328

Tiega-Noel Varlack
VARLACK LEGAL SERVICES
225 W Winton Ave, Ste 207
Hayward, CA 94544

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

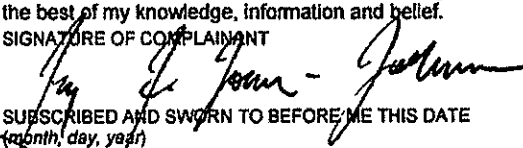
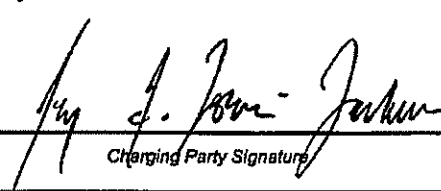
If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): ☐ FEPA ☒ EEOC 480-2022-00591	
_____ and EEOC State or local Agency, if any			
Name (Indicate Mr., Ms., Mrs.) Ms. Terry Jones-Jackson		Home Phone (Incl. Area Code) 	
Date of Birth 1967			
Street Address City, State and ZIP Code C/O Varlack Legal Services, 225 W Winton Ave Ste 207, Hayward, CA 94544			
Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name UNITED PARCEL SERVICES INC		No. Employees, Members 500 or More	
Phone No. (Include Area Code)			
Street Address City, State and ZIP Code 8400 Pardee Drive, Oakland, CA 94621			
Name		No. Employees, Members	
Phone No. (Include Area Code)			
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) ☒ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION ☐ OTHER (Specify)			DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 10-05-2021 11-01-2021 ☒ CONTINUING ACTION
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I have been employed by Respondent since 1998 and currently hold the position of Sorter/Bagger. On or about October 5, 2021, I was harassed by a co-worker, Dwight (LNU) calling me names like "monkey" and "gorilla". I also heard from another co-worker that he was spreading rumors about my personal life. I called an 800 number hotline to report him and as a result he was moved to a different area but continues to harass me. A car similar to mine had the windows broken out and I believe it was my car that was targeted. I believe I was discriminated against because of my sex, female, and my race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Date 11/6/2021		Charging Party Signature 	

CP Enclosure with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
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In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

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ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

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_____ and EEOC			
_____ State or local Agency, if any			
Name (Indicate Mr., Ms., Mrs.) Ms. Terry Jones-Jackson		Home Phone (Incl. Area Code)	Date of Birth 1967
Street Address C/O Varlack Legal Services, 225 W Winton Ave Ste 207, Hayward, CA 94544		City, State and ZIP Code	
Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name UNITED PARCEL SERVICES INC		No. Employees, Members 500 or More	Phone No. (Include Area Code)
Street Address 8400 Pardee Drive, Oakland, CA 94621		City, State and ZIP Code	
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) ☒ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION ☐ OTHER (Specify)			DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 10-05-2021 11-01-2021 ☒ CONTINUING ACTION
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I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Date 11/6/2021		Charging Party Signature 	

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3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

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Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

EEOC Form 161 (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Crystal D. Ryan-Williams**
3451 Tippitt Rd
Carlisle, AR 72024

From: **Little Rock Area Office**
820 Louisiana
Suite 200
Little Rock, AR 72201

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

493-2021-01156

Margie Myers,
Investigator

(501) 324-6214

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


6/29/2021

Enclosures(s)

William A. Cash, Jr.,
Area Office Director

(Date Issued)

cc:

UPS
1700 Mayor Ln
Conway, AR 72032

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Northern California Sort Rider Agreement

between

Teamster Local Union Nos.

**70, 87, 137, 150, 287, 315,
386, 431, 439, 533, 665, 856,
890, 912, 948, 2785**

and

United Parcel Service

**For the Period:
August 1, 2018 through July 31, 2023**





CODE OF BUSINESS CONDUCT

CONFIDENTIAL



CODE OF BUSINESS CONDUCT

NAME

DATE

CONFIDENTIAL

PREFACE

The *UPS Code of Business Conduct* (“*Code*”) sets forth standards of conduct for all of UPS. Throughout the *Code*, “UPS” is used to refer to the enterprise as a whole, to each person within it, and to any person or entity who represents UPS or any part of the UPS organization, including suppliers, consultants, and third-party representatives.

Adherence to the *Code* is required of all employees and representatives of UPS. The *Code* is available in various languages on ups.com, UPSers.com, and the Corporate Compliance and Ethics website.

The *Code* provides information about our standards of integrity and explains our legal and ethical responsibilities. It does not address every specific situation or set forth a rule that will answer every question. Rather, it is intended to provide guidance on our responsibilities and to assist in making the correct business decisions. Additional requirements are set forth in detail in various individual compliance programs developed by functional areas that reflect their appropriate expertise and training. It is each person’s responsibility to understand the compliance programs that apply to his or her area of responsibility and to manage the business accordingly.

The *Code* and the *UPS Policy Book* (“*Policy Book*”) are complementary documents that describe our objectives and explain our responsibilities to our company, people, customers, shareowners, and communities. To ensure a complete understanding, discussion of the *Code* or the *Policy Book* at business meetings and other appropriate occasions is encouraged.

Any employee or representative of UPS who violates stated legal or ethical responsibilities will be subject to appropriate discipline, which may include dismissal. Non-compliance with certain aspects of the *Code* and/or the *Business Conduct and Compliance Program* also may subject the individual offender and UPS to civil and/or criminal liability.

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Statement of Policy

We comply with the *UPS Code of Business Conduct*. We manage our business in compliance with all applicable laws and regulations of the countries in which we operate, and in accordance with our company's high standards of business conduct. All employees and representatives of UPS are expected to comply with the *Code*, which is essential to maintaining our reputation for honesty, quality, and integrity. It also is each person's responsibility to report to the company any situation where UPS standards or national and local laws are being violated. Any person disclosing, in good faith, violations or suspected violations of legal requirements or UPS business standards will not be subjected to retaliation or retribution. Likewise, failure to comply with the provisions of the *Code* will not be tolerated.

Our Commitment to Integrity

UPS has a long tradition of transforming and adapting to the needs of our customers, but our commitment to integrity remains steadfast. We remain committed to a set of beliefs that guided our founders and their successors, and currently guides employees and representatives of UPS.

It is this commitment that will continue to move us forward.

More than 100 years ago, UPS Founder Jim Casey began building our company by asking retailers for their trust. They entrusted us with their business, and every day, UPS people honored that trust and maintained relationships with customers by acting with integrity. We have preserved this philosophy over the years, and it has become our guiding principle.

Today, UPS employees and representatives continue to uphold our strong brand and the legacy of integrity that Jim started.

This requires us to conduct business fairly, honestly, and ethically.

For our company to survive and remain successful, we must have a sound set of beliefs that serves as the foundation for our decisions and actions. We must remember that our success, reputation, and brand were developed over many years and can be damaged if we do not act responsibly with an uncompromising set of common beliefs.

A commitment to integrity is about creating a climate for continued success. It is about creating an environment where people can make good decisions. It is about doing the right thing in every business situation. By using good judgment and respecting others, UPS's commitment to integrity will endure.

UPS's reputation for ethical behavior has enabled us to attract and retain the best people and loyal customers; it has opened doors in new and emerging global markets and allowed us to transform our business to meet changing customer needs.

Compliance with our legal and ethical obligations is the responsibility of every UPS employee and representative, as is the responsibility to report potential violations of those obligations. Reporting may be accomplished directly through a discussion with a member of the management team or by using the UPS Help Line. Information about the UPS Help Line is available on UPSers.com.

Our Values and Management Philosophies

For more than a century, UPS people have been motivated by commonly held principles and values that have allowed us to work toward mutual goals. These principles and values were established by our founders and remain critical to our success. The core of these values is a simple statement: UPS is a company of honesty, quality, and integrity. This legacy is fundamental to our ability to create shareowner value, support the communities in which we operate, and protect our reputation.

It always has been, and continues to be, our policy to conduct business in compliance with all applicable laws and regulations and in accordance with the highest ethical standards. We expect UPS employees and the people acting on our behalf to adhere to these principles.

Reporting Concerns, Asking Questions, and Voicing Opinions

This *Code* provides an overview of the legal and ethical responsibilities that we share. We must uphold these responsibilities by reporting concerns to the attention of the company so that these concerns may be reviewed and addressed in an ethical and responsible manner. Individuals who report concerns must do so without fear of reprisal. Two specific policies govern UPS's need to be aware of and respond to concerns relating to the company: "Duty to Disclose" and "No Retaliation."

Duty to Disclose: Any UPS employee or representative who becomes aware of a situation in which he or she believes our legal or ethical responsibilities are being violated, or feels pressured to violate the law or our ethical responsibilities, is required to notify the company of the concern.

No Retaliation: No employee or representative of UPS will be disciplined, lose a job or contract, or be retaliated against in any way for asking questions or voicing concerns about our legal or ethical obligations when acting in "good faith." Good faith does not mean an individual has to be right; but it does mean that the individual must believe that the information provided is truthful.

Additional information can be found in the section of this *Code* titled "No Retaliation" and on the Corporate Compliance and Ethics website.

It is important that questions or concerns related to the *Code* or alleged violations of the *Code* be communicated through one of the many available reporting channels.

If any aspect of the *Code* is unclear or if we have any questions or concerns, we should talk to our direct manager or supervisor. We can also use the Open Door Policy to talk to someone else in management,

including a Human Resources manager, or someone from the function with the expertise and responsibility to address the concern. These individuals may have the information needed, or will be able to refer the question to another appropriate source.

We can also contact the UPS Help Line when we have a concern or want to report a potential violation of our legal or ethical responsibilities. The UPS Help Line is a confidential way to report questionable accounting, financial or audit matters, suspected bribery of public officials, facts that may affect the vital interest of UPS; the moral or physical integrity of its employees or its representatives; or other potential violations of our legal or ethical responsibilities.

The UPS Help Line is answered by an outside vendor and is available to all employees and representatives of UPS, 24 hours a day, seven days a week. Interpreters are available for language assistance. The UPS Help Line is not equipped with caller ID, recorders, or other devices that can identify or trace the caller's number. The UPS Help Line website is managed by a third party that is required by contract and/or by applicable laws to provide confidentiality.

When the UPS Help Line is contacted, the following can be expected:

- A report will be forwarded to appropriate UPS management people for follow-up.
- The concern will be reviewed by members of management that may include representatives from Corporate Compliance and Ethics, Human Resources, Corporate or Region Legal, Security, or Internal Audit. If the inquiry is one that can be properly investigated by someone in the region, district, or business unit, it will be referred there for evaluation and resolution. Each concern will be carefully evaluated before it is referred for investigation and resolution.
- The concern will be handled promptly, discreetly, and professionally. Discussions and inquiries will be kept in confidence to the extent appropriate or permitted by law.
- Certain follow-up information about how the concern was addressed may be obtained by the individual reporting the concern upon his or her request.

Investigations into allegations of unethical or illegal conduct must be conducted confidentially and professionally. People conducting the investigations should seek guidance from their Human Resources manager or the Corporate or Region Legal Department.

We may use the established method of communication with which we feel most comfortable. The important thing is to get questions answered, to get the needed guidance, and to report what is known.

No Retaliation

Our commitment to integrity includes a responsibility to foster an environment that allows our people to report violations without fear of retaliation or retribution. Our policy on this issue is clear: no one should be discouraged from using any available channel within the organization to report a concern. Simple questioning of someone following a reported concern can lead to claims of retaliation, even though that was never the intent, as it may make a person feel that he or she did something wrong by choosing one method of reporting over another. People must be able to choose the established method with which they are most comfortable to communicate their concern.

Anyone who retaliates against another individual for reporting known or suspected violations of our legal or ethical obligations violates the *Code* and is subject to disciplinary action, up to and including dismissal. Retaliation also may be a violation of the law, and as such, could subject both the individual offender and UPS to legal liability.

Additionally, the same rules apply to retaliation or retribution against UPS employees or representatives regarding activities such as company-sponsored solicitations for contributions to charities or political action committees.

More information on the No Retaliation Policy is available on UPSers.com and on the Corporate Compliance and Ethics website.

Our Company

Accuracy of Records and Reporting

In our jobs, many of us create or prepare some type of information, such as financial reports, accounting records, business plans, environmental reports, injury and accident reports, expense reports, and time cards. We have an obligation to keep accurate and truthful records, which must be prepared in accordance with our commitment to integrity and must comply with applicable accounting procedures and internal controls. People inside and outside UPS expect these reports to be reliable and properly maintained. These people include employees, shareowners, government representatives, auditors, and the communities in which we operate. No one may deviate from our commitment to manage information accurately and truthfully. Our records are maintained for required periods as defined in the *UPS Records Retention Schedule* (“*Schedule*”).

Any person with knowledge of an improperly or inaccurately prepared business record is required to report this concern to the company. Additional information about reporting such a concern is available in the section of this *Code* titled “Reporting Concerns, Asking Questions, and Voicing Opinions.”

Refer to the section of this *Code* titled “Records Management” and the *UPS Records Management Program Guidelines* available on the Corporate Compliance and Ethics website.

Choosing Suppliers and Consultants

We strive to be fair in our choice of suppliers and consultants and are honest in all business interactions with them. We choose our suppliers and consultants based on appropriate criteria, such as qualifications, competitive price, and reputation. Anyone responsible for buying or leasing materials or services on behalf of UPS must conscientiously guard their objectivity. These persons are required to disclose to UPS any personal, financial, or ownership interest in the supplier or consultant prior to or during engagement by UPS.

We should avoid any implication that UPS’s continued purchase of goods or services from the supplier depends on the supplier purchasing goods or services from UPS. Doing so may not only violate our policies, but may also be a violation of antitrust or fair competition laws. UPS may properly require the goods it purchases be delivered via UPS, but it would not be proper for UPS to require that our suppliers use only UPS when shipping to their other non-UPS customers.

Nothing contained in this section is intended to limit or restrict encouraging our suppliers to use UPS services. It is recommended that appropriate UPS sales people be involved in such efforts.

We expect our suppliers and consultants—and others who do business with us or on our behalf—to conduct their business in compliance with all applicable laws and regulations, and in accordance with the highest ethical standards. To avoid conflicts of interest, we also expect our suppliers and consultants to disclose any personal or business relationships with UPS employees.

We must be aware of legal and business risks associated with choosing suppliers and consultants. In all cases, due diligence of new business arrangements must be completed prior to engagement by UPS.

Refer to the sections of this *Code* titled “Conflicts of Interest,” “Doing Business with UPS,” “Investments,” and “Due Diligence of New Business Arrangements.” Additional information is available from the Corporate Procurement Department.

Company Property and Services

The use of company time, labor, supplies, equipment, tools, buildings, or other assets for personal benefit is prohibited. Employees and representatives are required to pay for personal use of UPS services. Company property used in the course of work with UPS remains the property of UPS and must be returned upon request by UPS or upon termination of employment.

Collectively, we have the responsibility for safeguarding and making proper and efficient use of UPS’s property, including:

- Cash, checks, drafts, and charge cards
- Company time
- Computer hardware, including laptops and accessories, and software
- Equipment, including copiers, fax machines, telephones, cell phones, mobile devices, and accessories
- Information assets, including electronic data and intellectual property
- Land and buildings
- Materials and supplies
- Scrap and obsolete equipment
- UPS uniforms and identification media, including badges
- Vehicles

UPS property must not be used for any purpose unrelated to UPS business without prior authorization from the appropriate manager.

Confidential and Proprietary Information

Information is a valuable corporate asset that is critical to our success. However, nonpublic information about UPS's business activities is confidential or proprietary. Just as UPS values and protects its own confidential and proprietary information, it is our policy and practice to respect the confidential and proprietary information of others, including information we may have about our employees, customers, and suppliers.

Because the disclosure of confidential or proprietary information could seriously damage UPS's interests, safeguarding this information is the responsibility of all UPS employees and representatives. If we learn about proprietary or confidential information during the course of employment or relationship with UPS, we should be careful not to share it with others, including other employees, unless they need to know it for a legitimate business reason that will not violate any law, regulation, or UPS policy or procedure.

We may be asked to provide confidential or proprietary information internally or externally. Depending upon the circumstances, this could be a violation of our contractual commitments to our employees, customers, or suppliers, as well as a violation of privacy, antitrust, or other applicable laws. If employees not usually privileged to the information as a part of their job responsibilities request that information, we should consult with the appropriate manager, Corporate Privacy, Corporate Compliance and Ethics, or Corporate or Region Legal prior to divulging the requested information.

We also should guard against unintentionally disclosing proprietary or confidential information. Situations that could result in inadvertent disclosure of sensitive information include discussing confidential or proprietary information in public—in restaurants, on elevators, or on airplanes; talking about it on public or mobile phones; working with sensitive information on laptop computers or other electronic devices in public; or transmitting such information by insecure means. Our obligation to protect UPS's confidential and proprietary information continues even after separation from the company.

Additional information can be found in the *UPS Guidelines for Antitrust/Competition Law Compliance*, *UPS Insider Trading Compliance Guidelines*, *Guidelines for UPS Affiliate Information Sharing*, *UPS Intellectual Property Protection Manual*, UPS Information Security manuals, and UPS privacy policies.

Copyrighted Material

Copyrighted works include, but are not limited to, printed articles from publications, TV and radio programs, videotapes, music performances, printed photographs, digital photographs, training materials, manuals, documentation, software programs, databases, diskettes, CDs, and websites. In general, the laws that apply to printed materials also are applicable to audio, visual, and electronic media. Presentation slides, training materials, management models, or other materials prepared by outside consultants or organizations also may be copyrighted.

We may not reproduce, distribute, or alter copyrighted materials owned by others without a valid license or prior permission of the copyright owner or its authorized agent. Even if materials do not display a copyright notice, another person or company may own a valid copyright on those materials. It is therefore not always easy to determine if such permission exists, and we must confirm that appropriate permission exists before using such materials.

To avoid violations of copyright laws, all UPS employees and representatives must ensure appropriate authorization is obtained prior to using or reproducing any materials.

While UPS frequently obtains licenses or other forms of permission to use and reproduce copyrighted materials, any doubt with regard to whether a use is authorized should be resolved in favor of not using or reproducing the materials.

Additional information can be found in the *UPS Intellectual Property Protection Manual* and UPS Information Security manuals available on the Corporate Compliance and Ethics website.

Counterfeit Goods

In many countries around the world, counterfeit and fraudulent pirated goods are widely available. The practice of manufacturing and selling counterfeit products negatively affects those companies that hold trademarks or patents for the products being counterfeited, many of which are current or prospective UPS customers.

Knowingly participating in transactions involving counterfeit products is illegal in many jurisdictions, including the United States. Certain countries have nonexistent or varying standards of enforcement of counterfeit laws; as a result, counterfeit goods are plentiful in those countries. Transporting such goods into the United States or other countries may result in company and/or personal liability, including forfeitures and fines. In addition, the

purchase of such items for business use may damage UPS's reputation, particularly among UPS customers whose goods are being counterfeited.

Globally, UPS prohibits its employees and representatives from knowingly purchasing counterfeit goods using UPS funds, transporting counterfeit goods using UPS equipment, or providing counterfeit goods to current or prospective UPS customers or UPS employees. Any occurrences of known involvement of counterfeit goods should be reported immediately to the UPS Security Department.

Due Diligence of New Business Arrangements

As part of its global operations, UPS uses various business arrangements, including independent contractors, general sales agents, joint ventures, customs brokers, immigration agents, and tax agents to conduct operations.

Due diligence of new business arrangements is critical, mandatory, and must be completed prior to engagement to minimize the potential business and legal risks that could arise from these business arrangements.

All employees are required to communicate or report a circumvention of the required due diligence of new business arrangements. Additional information about reporting a concern is available in the section of this *Code* titled "Reporting Concerns, Asking Questions, and Voicing Opinions."

Contact the Corporate Procurement Department for all new supplier arrangements and the International Finance and Accounting Department for all other business arrangements. Also refer to the sections in this *Code* titled "Choosing Suppliers and Consultants" and "Anti-Corruption Compliance." Additional information can be found in the *UPS Anti-Corruption Compliance Manual* available on the Corporate Compliance and Ethics website.

Information Privacy

We respect the privacy concerns of our employees, customers, suppliers, and business partners. Accordingly, we are committed to handling their personally identifiable and other information in compliance with UPS privacy policies, contractual obligations, and applicable privacy and data protection laws.

We maintain administrative, technical, and physical safeguards designed to protect this information. We use these safeguards to protect against accidental, unlawful, or unauthorized destruction, loss, alteration, access, disclosure, or use of this information. We should use proper care and

diligence in handling this information. This information should not be kept longer than is necessary and required, and should be properly disposed in accordance with the *Schedule* or other UPS policies or procedures.

It is important that we understand our obligations and exercise proper care and good judgment to fulfill our obligations concerning the handling of this information.

Additional information can be found in the *UPS Privacy Notice*, UPS Information Security manuals, and UPS privacy policies. Refer to the *UPS Records Management Guidelines* available on the Corporate Compliance and Ethics website. Guidance is also available from Corporate Privacy, Corporate Compliance and Ethics, or Corporate or Region Legal.

Information Security

We have a responsibility to protect the security of UPS information assets from unauthorized use and disclosure. This obligation extends to the confidential and proprietary information of UPS and of its employees, customers, suppliers, and business partners. This responsibility arises pursuant to contracts with our employees, suppliers, consultants or business partners, UPS policies, and privacy laws in the countries in which we operate. We manage our information assets in compliance with applicable privacy laws.

We comply with UPS business security practices that protect confidential and/or proprietary information. We also take steps to limit access to our facilities and vehicles to authorized individuals. We use appropriate technical and organizational security measures to protect UPS information assets, including personally identifiable information about UPS employees, customers, suppliers, and business partners from unauthorized use and disclosure. UPS is committed to the use of advanced technologies in its business operations.

We use information technology and engage in electronic communications to manage our business efficiently and to comply with UPS policies and legal requirements. These tools, provided for business purposes, expand and enhance our ability to communicate with each other and with our customers, suppliers, and business partners. We permit brief, limited personal communications that do not violate applicable laws or other UPS policies and that do not interfere with our job functions.

We must exercise proper care and good judgment when using social media. It is important that we do not give the improper impression that we are individually speaking on behalf of UPS when using social media, unless we are expressly authorized to do so.

Additional information can be found in the UPS Information Security manuals and UPS privacy policies available on the Corporate Compliance and Ethics website.

Intellectual Property

UPS owns and depends on a wide range of intellectual property assets such as information, processes, and technology that give us a competitive advantage. UPS intellectual property includes confidential business information and trade secret technology (such as computer software and systems, patented inventions and processes, and trademarks). Such tools are available because of significant investments of time and company funds. If our intellectual property is not properly protected, it becomes available to others who have not made similar investments. This would cause us to lose our competitive advantage and compromise our ability to provide unique services to our customers.

It is the responsibility of every UPS employee or representative to help protect UPS intellectual property. It is the responsibility of UPS managers and supervisors to foster and maintain awareness of the importance of protecting UPS intellectual property.

Refer to the *UPS Intellectual Property Protection Manual* available on the Corporate Compliance and Ethics website.

Records Management

We have established policies and procedures to appropriately manage our records. These records are maintained for required periods as defined in the *Schedule*.

There are requirements to retain our records for the minimum period required by law. In some cases, there may be business reasons to retain records for a period of time beyond that required by law. The Corporate or Region Legal Department also may require that records be kept for potential or pending litigation.

We have an obligation to maintain or destroy our records in accordance with the *Schedule*. Any employee or representative who intentionally destroys our records in violation of the *Schedule* or intentionally fails to destroy records in accordance with the applicable retention period in the *Schedule* may be subject to disciplinary action, up to and including dismissal.

Any employee or representative with knowledge of failure to follow the prescribed *Schedule* is required to report this concern to the company. Additional information about reporting a concern is available in the

UPS and the ADA

THIS DOCUMENT provides an overview of UPS's commitment to equal opportunity for persons with disabilities and to providing reasonable accommodations under the ADA. It is not, nor is it intended to be, a comprehensive description of the ADA or other federal, state or local laws regarding persons with disabilities. For additional information, please contact the HR Service Center ("HRSC") or your local Human Resources representative.

The Americans with Disabilities Act

The Americans with Disabilities Act (ADA) is a federal law designed to eliminate the barriers faced by disabled individuals in the workplace and public places generally. Title I of the ADA covers employment practices and prohibits employers from discriminating against qualified employees and job applicants with disabilities when making employment decisions and from retaliating against any employee or applicant for engaging in activities protected under the ADA. These prohibitions extend to all aspects of the employment relationship, including job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions and privileges of employment. The ADA also requires employers to make reasonable accommodations to the known disability of qualified applicants or employees, unless the accommodation would impose an undue hardship on the employer.

As defined by the ADA, an individual with a disability is a person who (1) has a physical or mental impairment that substantially limits one or more major life activities, such as seeing, hearing, eating, lifting, speaking, caring for oneself and working; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. An individual with a disability is a qualified employee or applicant if he or she can perform the essential functions of the job in question, with or without reasonable accommodation.

UPS's Commitment to Equal Employment Opportunity

UPS has implemented numerous policies and procedures designed to ensure a workplace that is free from discrimination and provides all employees, including persons with disabilities, with an equal opportunity to succeed. All UPSers, including both management and hourly employees, are responsible for ensuring compliance with these policies. UPS is also committed to making reasonable accommodations for the known disabilities of qualified applicants or employees, provided that the accommodation is not an undue hardship for UPS. To that end, UPS has developed a procedure by which appropriate personnel evaluate any requests for a job-related accommodation in accordance with the ADA. The ADA Procedure for Identifying Reasonable Accommodations (described below) is designed to promote fairness and consistency in responding to such requests, and ensures that each applicant or employee's request will receive the same thorough consideration.

UPS's Procedure for Identifying Reasonable Accommodations

Employees who wish to request a job-related accommodation under the ADA should direct their request to the HR Service Center ("HRSC"), their HR Representative, or the manager/supervisor. Once UPS receives the request, the HRSC will send the employee a Request for Medical Information form to be completed by his or her treating physician. The form solicits information regarding the employee's medical condition and the effect of this condition on the employee's ability to perform his or her job, and must be returned to the HRSC promptly so that the employee's request can be evaluated in a timely manner. Once UPS receives the completed form, the employee's information is reviewed and a determination is made regarding whether the employee may be disabled under the ADA.

If it is determined that the employee may be disabled, then local UPS management will meet with the employee to review the employee's relevant medical restrictions and attempt to identify a reasonable accommodation that will enable the employee to perform the essential functions of his or her, or another, existing position. If a potential accommodation is identified, UPS management will investigate whether the accommodation is available and feasible – e.g., in the case of a transfer or reassignment to a different position, whether the requesting employee is qualified for the new position, and whether the position is currently vacant or will become vacant within a reasonable time. If the requesting employee is a Union member, or the requested accommodation involves a position covered by the Collective Bargaining Agreement (“CBA”) between UPS and a union, UPS is also required to meet with local representatives of the Union to determine whether the proposed accommodation conflicts with the CBA. If UPS is able to identify a reasonable accommodation that is available and feasible, and resolve any conflicts with the CBA, UPS will offer the proposed accommodation to the employee.

Although UPS personnel work diligently to evaluate and resolve employee requests for accommodation, the actual time needed to complete the ADA Procedure may vary significantly from employee to employee, depending on the complexity of the request, the proximity and availability of the personnel involved, and the level of cooperation received from the employee, the Union, medical personnel and others outside of UPS. Throughout the process, the Area Human Resources Manager is responsible for keeping the employee advised of the status of his or her request.

Note: In addition to the general procedure outlined above, UPS has developed specific driver-related protocols for identifying reasonable accommodations for individuals with a hearing impairment, vision impairment, or diabetes. If you believe that you may be eligible for an accommodation under one of these specific protocols, please contact your Human Resources representative.

Types of Accommodations Provided by UPS

UPS will always look at your current position first in order to see whether you can be accommodated and still perform the essential functions of your job. If you cannot be accommodated in your current position, UPS will look at other positions. Keep in mind that the ADA does not require that UPS create a new job, nor does it require UPS to promote an employee in order to accommodate a disability. Most non-management promotions at UPS are based on seniority and are governed by the CBA. For promotions to management positions, there is a special application and qualification process. UPS is committed to equal opportunity for employees with a disability who seek promotion to management and non-management jobs. For more information about the promotion process, please contact your supervisor and/or your Human Resources representative.

Questions or Concerns?

If you have questions about the UPS policies described in this document, if you would like to request an accommodation under the ADA or have concerns about the Company's response to a previous request for accommodation, please contact the HRSC at [REDACTED] or your HR representative. If you believe that you or another applicant or employee has been discriminated against or retaliated against in violation of UPS policy, please contact your Human Resources representative, or call the UPS Help Line at [REDACTED].

Union members may also speak with their shop steward regarding these issues, to determine whether to pursue a labor grievance pursuant to the CBA. Non-union employees may also choose to resolve their concerns through UPS's Employee Dispute Resolution process. For more information regarding the EDR process, please contact your Human Resources representative.

UPS Professional Conduct and Anti-Harassment Policy

As a global organization committed to our people and to our values-based legacy and culture, UPS seeks to provide all employees with a professional and respectful work environment. The UPS Professional Conduct and Anti-Harassment Policy prohibits unprofessional and disrespectful conduct and requires that employees treat each other with courtesy, consideration, and professionalism.

UPS will not tolerate harassment of any employee by anyone for any reason.

In addition to being prohibited in the UPS community, harassment may be illegal and may subject UPS and/or the individual harasser to liability. UPS defines harassment to be inclusive of, but not limited to, harassment of any person or group of persons on the basis of race, sex, sexual orientation, gender identity, national origin, citizenship, cultural or geographical origin, veteran/military status, disability, pregnancy, age, religion, or any other characteristic protected by law.

Each employee must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as harassment. Generally, forms of harassment include, but are not limited to:

1. Verbal: repeated sexual innuendos, racial or sexual epithets, derogatory insults or remarks, inappropriate jokes, propositions, threats, or suggestive or insulting sounds;
2. Visual/Non-verbal: derogatory posters, cartoons, or drawings; suggestive objects or pictures; graphic commentaries; suggestive looks; or obscene gestures;
3. Physical: unwanted physical contact, including touching, interference with an individual's normal work movement, or assault; and
4. Other: making or threatening reprisals as a result of a negative response to harassment.

Sexual harassment is one example of inappropriate harassing behavior. Specifically, sexual harassment, includes unwelcome sexual advances, requests for sexual favors, or any other visual, verbal, or physical conduct of a sexual nature when:

1. Submission to the conduct is made either implicitly or explicitly a condition of the individual's employment or other element related to the individual's career;
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; or
3. The harassment has the purpose or effect of unreasonably interfering with the employee's work performance or creating an environment that is intimidating, hostile, or offensive to the employee.

Any UPS employee or representative who witnesses objectionable conduct or believes that he or she is subject to or may be subjected to objectionable conduct must report it immediately. Concerns may be reported to a supervisor or manager, a Human Resources Manager, any other manager through the Open Door Policy, or through the UPS Help Line. The UPS Help Line may be used anonymously, and can be reached at [REDACTED] using the access code or number provided for your country, or at upshelpline.com. Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating that situation. **No employee, management or non-management, in this organization is exempt from this policy.**

In response to such reports, UPS will conduct a prompt and thorough investigation. To the extent possible, investigations will be kept confidential among the employees concerned and those employees who need to be informed in order to complete the investigation. According to our strong non-retaliation policy, no employee or representative of UPS will be disciplined, lose a contract, or be retaliated against in any way for asking questions or voicing concerns about our legal or ethical obligations when acting in good faith.

UPS will take immediate and appropriate corrective action whenever it determines that harassment has occurred. Any employee who violates this policy may be subject to disciplinary action, up to and including termination of employment.

Understanding and applying the UPS Professional Conduct and Anti-Harassment Policy will help provide all employees with a professional and respectful work environment.