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JEFF ST. MARY,	*
1257 Grassy Lane	
Rossford, OH 43460	*
and	*
JEFFREY BRONNER,	*
1104 Westridge Dr.	
Waterville, OH 43566	*
and	*
DAVE SABIN,	*
1742 Grand Bay Dr.,	
Oregon, OH 43616	*
Defendants.	*

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I. INTRODUCTION

1. This is an action for declaratory, injunctive, and equitable relief; compensatory and punitive damages; prejudgment and post-judgment interest; costs; and attorneys’ fees under the Ohio Laws Against Discrimination, R.C. Ch. 4112, for a pattern of race discrimination committed by Defendant United Parcel Service, Inc. (“UPS”) and aided and abetted by its managers and supervisors, including those named as individual Defendants herein. The Defendants enabled, tolerated, and purposefully promoted and encouraged a culture of racism and racially discriminatory conduct to take root at its Maumee, Ohio Distribution Center. This discriminatory culture permeated employment decisions, including those related to pay,

discipline, promotion from part-time to full-time status and from seasonal to permanent status, promotion to supervisory and/or higher paying positions, assignment to undesirable positions, and assignment to the most physically demanding job duties without assistance. UPS and the individual Defendants disregarded established objective standards and procedures for making employment related decisions, including but not limited to seniority rules, job posting procedures, and bid processes intended to ensure fair treatment.

The Defendants have maintained a hostile work environment through these employment decisions, as well as by tolerating, and failing to remedy, known racist comments and conduct. They have promoted and tolerated an atmosphere of racism in which individual employees feel free to display overt racial biases through conduct (such as hanging nooses above the workstation of an African-American employee, distributing pictures of the nooses, displaying a cellphone video hangman game with an African-American effigy, a gorilla face, and target illustrations, making hanging gestures directed to an African-American co-worker, posing a large monkey doll dressed as a UPS employee at the top of a ladder near the work stations of African-American employees, displaying Confederate flags, writing “nigger” as graffiti in the bathroom, posting vile racist pictures on their social media, and making apparent by their stares and body language their disdain for minority employees) and comments (such as using the epithet “nigger” toward and in the presence of African-American employees, referring to a minority neighborhood as “Niggerville” while refusing to deliver packages there, and making remarks about attending a Ku Klux Klan meeting and buying *more* nooses to “hang em high”).

The Defendants, including the named individual supervisors and managers, also openly discouraged supervisory employees from reporting racially biased conduct and retaliated against employees, including the Plaintiffs described below, by fabricating discipline and rejecting

efforts to pursue job advancement because they complained about, grieved, and joined in efforts to oppose the Defendants' discriminatory practices, comments, and conduct.

II. JURISDICTION AND VENUE

2. This Court has jurisdiction over this action under R.C. 2305.01 and the common law of the State of Ohio.

3. This action is brought pursuant to R.C. 4112.99.

4. Venue lies in this forum because Plaintiffs were employed by UPS at its Maumee, Ohio Distribution Center, and the racism and retaliation as alleged herein occurred in and around there.

III. PARTIES

5. Plaintiffs Dewayne Spears, Pamela Camper, Paula Bennett, Lora Blanton, Melvena Flowers, Kimberly Collins-Stewart, Antonio Lino, Tommy Adams, George Moorer, Keith Wiggins, Anton Williams, Ricky Woodard, Douglas Von Stephens, Allen Peace, Perry Loggins, Willie Fontaine, Eldridge Edgecomb, Timothy Simmons, and Donnell Haskins are past or present employees of Defendant UPS. Each of the Plaintiffs is a resident of Lucas County, Ohio. Plaintiffs bring this action seeking redress for numerous, longstanding violations of Ohio law prohibiting discrimination on the basis of race.

6. Defendant UPS is incorporated in the state of Delaware with its headquarters in Atlanta, Georgia; has become the world's largest package delivery company; does business throughout Ohio, including operating a Distribution Center at 1550 Holland Road, Maumee, Ohio, in Lucas County; has annual revenue in excess of \$65 billion; employs in the United States more than 370,000 individuals; acted through its agents and employees, including Defendants Vaughn, Parkes, St. Mary, Bronner, and Sabin—all of whom are white individuals who reside in

the state of Ohio—as well as others acting in its interest; and had actual or constructive knowledge that those individual Defendants, as well as others, used their managerial positions to personally aid, abet, incite, compel, and/or coerce the doing of acts declared by R.C. Ch. 4112 to be unlawful discriminatory and retaliatory practices and attempt to directly or indirectly commit acts declared by R.C. Ch. 4112 to be unlawful discriminatory and retaliatory practices.

IV. COMMON FACTUAL ALLEGATIONS

Background and Organization of the Workplace

7. In the course of its business, UPS uses package centers and distribution centers sometimes known as “HUBs” to deliver packages. At its Toledo HUB in Maumee, the Distribution Center receives packages dropped off at various locations by customers, picked up by UPS package drivers, or shipped by UPS feeder drivers in tractor trailers. The packages are unloaded, sorted by their destination, and reloaded on the package and feeder trucks designated to deliver them to either an intermediate destination, such as another hub, or a final destination, such as a business or residence. The Maumee Distribution Center handles packages weighing up to 70 pounds.

8. For non-supervisory positions, the Maumee Distribution Center is unionized, and most positions are to be filled by seniority and a posting and bid process. For supervisory positions, UPS has customarily honored seniority and used a posting and bid process. UPS alleges that it is committed to hiring and promoting from within its workforce whenever possible. On paper, UPS claims it has zero tolerance for racism and promises to be an equal employment opportunity employer.

9. In a posting and bid process, a job opening is announced and accompanied by a sign-up sheet. Employees can observe the names of those who bid by signing up, calculate their

seniority, and compare their apparent qualifications based on knowledge of the jobs each held and the job performance each displayed. UPS does not regularly conduct formal evaluations of the job performance of its union employees. Only nonunion employees are evaluated. Hiring decisions for union personnel are to be made on the basis of seniority.

10. The main positions at the Maumee Distribution Center are feeder drivers, package car drivers, air drivers, sorters, loaders, unloaders, porters, office clerical, clerks, mechanics, building maintenance personnel, and vehicle washers, who both clean the vehicles and determine whether repairs are needed. Within those positions, assignments differ in how physically demanding and desirable they are. Drivers tend to be more highly compensated than other positions. Drivers generally must have a Commercial Driver's License (CDL) to serve as feeder drivers; no CDL is required of package car drivers. Employees may also be assigned to train new employees.

11. UPS employs both part-time and full-time employees in many of the above-listed positions. UPS also employs seasonal and permanent employees, with seasonal employees hired for the Thanksgiving and Christmas holiday period, starting in mid-November and continuing through mid-January.

12. Nearly all of the positions have supervisors, whether part-time or full-time, to ensure performance of each position's duties.

Racial Hostility Pervades the Plaintiffs' Workplace

13. For decades, African-American employees of UPS, including the Plaintiffs, have been subjected to a persistent and continuing racially hostile work environment. African-American employees are consistently subjected to racially driven and offensive comments, slurs, and "jokes," and subjected to hostile stares from white co-workers as well as increased scrutiny

and demeaning comments from managers and supervisors. African-American employees are routinely subject to more severe discipline for rule infractions for which similarly situated white employees receive little or no discipline and often accused of rule infractions based on allegations that are entirely fabricated despite confirmation of the fabrication by alleged witnesses. White supervisors routinely attempt to make work details more difficult for African-American employees. African-American employees are routinely denied favorable assignments, jobs, promotions, and opportunities because of their race. These unlawful actions are tolerated by management personnel at all levels.

14. Even when an African-American employee has not witnessed or directly heard racist comments or conduct, learning about such conduct is traumatic. News about racist comments or conduct travels fast among the African-American employees, and their reactions range from fear, anger, and disgust to dismay about UPS and its managers and supervisors tolerating and condoning, rather than promptly and effectively remedying, such behavior. The paper promises of UPS to be an equal opportunity employer with zero tolerance of racist comments or conduct are, in practice, merely empty promises. African-American employees come to work each day not knowing whether a racist comment or conduct will confront them, being concerned that smirking or laughing white employees are ridiculing them because of their race, and walking on eggshells to avoid triggering a problem. All of this takes an emotional toll on them that nonminority employees do not confront.

15. UPS managers and supervisors, including, but not limited to, the individual Defendants, fail to take prompt or effective action when racially disparate treatment or unlawful racially motivated conduct has been brought to their attention. Employees who engage in actions that discriminate on the basis of race, even extreme actions, are not disciplined or, to the extent

any discipline is imposed, they are permitted to retain their jobs. Complaints from African-American employees or inquiries about disparate treatment are routinely disregarded. Supervisors and managers who become aware of such conduct, but fail to take appropriate action, are not disciplined for their inaction.

16. White supervisors who become aware of and report racially hostile actions of subordinates are admonished to look the other way. Both employees who make complaints of discrimination and witnesses who observe such conduct are interviewed by “Loss Prevention” personnel, who meet their allegations and complaints with open hostility. Complainants and witnesses have been advised to say nothing about the discriminatory conduct they have experienced or observed. Employees who complain are often subjected by management to discipline, intimidation, or other adverse consequences.

17. The acts and omissions of UPS through its employees, supervisors, and managers have created an atmosphere of pervasive racial hostility and intimidation and a racially hostile work environment. Further, UPS has engaged in a continued and ongoing pattern and practice of discrimination.

18. Those acts and omissions have included, without limitation, the following:

a. On July 8, 2016, Scott Merriman, a white employee of UPS, fashioned two hangman’s nooses and hung them over the work station of an African-American employee, Plaintiff Lino. Merriman had also posted Nazi and assault weapon images on his Facebook page. Merriman’s act was witnessed by a white supervisor, as well as several white co-workers, who participated in making jokes about the noose. Although Merriman was terminated, none of the other employees, including the supervisor, received discipline. Further, the incident was investigated by a “Loss Prevention”

supervisor who interrogated Plaintiff Lino, directed him to say nothing about the incident, and directed him to delete his cellphone pictures. Lino was also told that he might face discipline for taking photographs of the nooses.

b. On July 13, 2016, Plaintiff Wiggins, while driving on his delivery route, was passed in an unsafe manner by a white UPS employee who made a hanging gesture by pulling his shirt collar upward and putting his tongue out. Although reported to management, no disciplinary action was taken.

c. On that same date, July 13, 2016, Plaintiff Adams received a group text message from white co-workers regarding possible lottery winnings. The messages were racially driven and offensive: “If you feel down and out, the noose is loose;” “Can we buy another noose with the winnings;” “Like Clint Eastwood said, ‘Hang ‘em High.’” The incident was reported to management, but no disciplinary action was taken. Instead, despite a purported zero-tolerance policy for racism and racially offensive conduct, Defendants Parkes and Bronner insisted that Plaintiff Adams tell them what discipline should be imposed. Fearing retaliation from coworkers and knowing that, on paper, UPS had a zero-tolerance policy for racism, he refused to tell them what they should do. Defendant Bronner then urged Plaintiff Adams to speak with the coworkers who had sent the message and to resolve the matter informally. Bronner insisted that it was just a joke. Plaintiff Adams refused, and no discipline at all was imposed. Upon learning that no discipline was imposed, Plaintiff Adams filed a grievance. UPS denied the grievance and falsely stated in its response that neither the source nor the content of the text messages were known.

d. On September 1, 2016, a white employee of UPS stated: “I’m late for a Klan meeting.” The comment was made in the presence of both an African-American and a white co-worker, both of whom found the incident offensive and reported it to a white manager. The manager stated he would deal with it but did nothing. No disciplinary action was taken.

e. On September 22, 2016, Shannon Peters, a white employee of UPS working as a delivery driver, refused to deliver a package in a predominantly African-American neighborhood. She explained to a white part-time supervisor that she did not want to deliver to “Niggerville” or go to “Nigger City.” The supervisor was shaken by the incident and reported it to her white manager, Defendant St. Mary, who said he would deal with it; however, St. Mary did nothing. Several days later, after no action was taken, the incident was reported to a more senior manager by Plaintiff Wiggins. The incident was subsequently investigated by “Loss Prevention.” In the course of an interrogation by Loss Prevention, the supervisor who reported the incident was directed to discuss it with no one. Loss prevention also suggested during the interview that it was likely no else knew about the incident since it had occurred behind closed doors. A second part-time supervisor who learned of the incident similarly was told not to discuss the incident and admonished to “steer away from conversations like this.” The delivery driver who made these racially derogatory remarks was initially terminated, but was then almost immediately, voluntarily reinstated by UPS.

f. In February 2017, Plaintiff Collins-Stewart received a racist, offensive text message from a white co-worker: “How many supervisors does it take to screw in a light bulb? None, they just fire the room for being black.” No disciplinary action was taken in

response to this incident. Plaintiff Collins-Stewart subsequently received a text message from a co-worker showing that a stuffed monkey wearing a UPS uniform had been placed adjacent to an area where African-American employees worked. Although brought to the attention of Loss Prevention, no disciplinary or serious investigative action was taken.

g. Incidents involving hangman's nooses had occurred prior to the 2016 incident, with no effective response from UPS. In 2013, Plaintiff Lino received a copy of an electronic image depicting a gallows and hangman's noose with a black man's effigy hanging from the noose, an image of a gorilla, and a target on the effigy. The image was a moniker or symbol used by a white UPS supervisor when he played electronic video games with fellow UPS employees. The incident was reported to management by Plaintiff Wiggins, who also filed a grievance, but no action was taken.

h. Also in 2013, an automobile tire was hung on the grounds of the Maumee facility using a hangman's noose. This was witnessed by Plaintiff Wiggins, who reported the incident to management; however, no investigation was undertaken and no disciplinary action was imposed.

i. In 2013, a white UPS employee admitted calling an African-American, female UPS security guard a "lazy nigger" and was immediately terminated by an African-American manager; however, the employee was then voluntarily reinstated by a more senior white manager. Grievances challenging the failure to impose adequate discipline were ignored.

j. Had effective investigative and disciplinary action to enforce UPS's purported "no tolerance" policy toward race discrimination in response to these 2013

incidents (or any of them), it is likely that the employees who committed the later incidents described herein would have been deterred or prevented from committing them.

19. In response to charges of discrimination related to the hanging of nooses, UPS attempted to explain their display at its Maumee facility as nothing but a “joke.” Plaintiffs, however, knew hangman’s nooses to be a repugnant racist symbol of racial hatred because thousands of African-Americans were killed by hanging at the hands of violent, racist terrorists. As racial tensions have increased in society, the nooses confirmed that the Maumee Distribution Center was not immune from racial hatred and prejudice. Lynching has not been used in so prevalent a way against any other race of American citizens. Plaintiffs understood the symbol to convey a clear message of hatred and subjugation: keep your head down, your voice low, and take whatever we do or say without complaining, your kind are not wanted here, and the White Race is dominant in this workplace. Joking about nooses was not funny to the Plaintiffs, and UPS’s efforts to excuse racist comments and conduct involving nooses is further affirmation that it tolerates even the most grotesque displays of racial hatred by its employees.

20. UPS also failed to take action to remove Confederate flags that were being displayed regularly in feeder trucks at the Maumee facility. The Plaintiffs knew the display of Confederate flags to be a purposeful reminder of the effort to preserve slavery. Confederate flags are intimately connected with subordination of African-Americans. They serve as symbols that convey a message of the supremacy of the White Race and the inferiority of the Black Race. Such racial animus in the workplace flouted UPS’ promises of zero tolerance for racist comments and conduct and equal employment opportunity.

21. Plaintiffs understood that the monkey on a ladder and related references were intended to be derogatory to African-Americans. The suggestion that their physical appearance

is a caricature of a jungle beast is degrading and humiliating, and the absence of the modifier “black” did not change the message of inferiority conveyed.

22. The racial epithet “nigger” and its derivations are inherently discriminatory, separating the Plaintiffs and their African-American co-workers from nonminorities. Its use in the workplace signaled unambiguously that they were not welcome. Even when directed at others, this racial epithet disturbed them all to the core. The Ku Klux Klan constantly used “nigger” in its campaign of racial violence and intimidation, and racists have always hurled the term in a degrading manner. Today, the term continues to encapsulate racial subjugation.

23. The nooses, Confederate flags, references to monkeys and the Ku Klux Klan, and racial epithet “nigger” were understood by the Plaintiffs in a context of discriminatory treatment, one which combined to inflict a hostile environment.

African-Americans, Including the Plaintiffs, Are Systematically Denied Job Opportunities at the Maumee Distribution Center.

24. In the course of their employment with UPS, Plaintiffs have been subjected to an ongoing, continuous, and persistent pattern and practice of racial discrimination in hiring, assignment, discipline, and promotion—one in which the individual Defendants, as well as other supervisory and management personnel of UPS, actively participated and/or knowingly acquiesced. White employees were consistently favored notwithstanding less seniority and equal or inferior qualifications than African-American employees. White employees were given less physically demanding and more desirable duties or, alternatively, assistance with more physically demanding duties, while African-American employees were segregated to more physically demanding positions and not provided assistance.

25. African-American employees are disproportionately employed by UPS in lower paying, strenuous, menial, part-time, or seasonal positions and systematically denied

opportunities for higher paying, full-time, and supervisory positions. More desirable, full-time, and supervisory positions are routinely awarded to white employees with lesser qualifications and fewer years of service without posting availability of positions. Union seniority rules are intentionally disregarded and subverted to favor white employees and avoid awarding jobs to African-American employees.

26. Highly compensated, less strenuous, full-time driving positions are overwhelmingly awarded to nonminorities. Among drivers who deliver UPS packages, including those whose visibility in UPS's signature brown delivery trucks establishes the public face of the company, more than 95 percent are white males, maintaining a white image. There are approximately 340 drivers at the Maumee Distribution Center, and, upon information and belief, fewer than four percent are African-American. African-American female drivers are virtually non-existent.

27. African-Americans are underrepresented in full-time supervisory and managerial positions. They have regularly and systematically been passed over for positions that would permit higher pay, full-time employment, and other forms of advancement. Pretextual barriers to hiring, promotion, and job advancement have been routinely erected by UPS with the knowledge, acquiescence and participation of individual Defendants as well as other supervisory and managerial personnel of UPS, its agents, and employees.

28. The persistent discriminatory actions, practices, acts and omissions of UPS, its managers, supervisors and employees as alleged herein have subjected plaintiffs and others similarly situated to a racially hostile work environment.

29. Following the receipt of more than 25 charges of discrimination and retaliation from Plaintiffs and other UPS employees alleging discrimination, retaliation, and a racially

hostile work environment based on facts similar to those alleged herein, the Ohio Civil Rights Commission (“OCRC”) determined in June 2017, that there was probable cause to believe that discrimination and retaliation had occurred.

30. As the OCRC charges were being processed, UPS began hiring more African-American part-time supervisors. Unlike full-time supervisors, these part-time supervisors lacked significant authority.

31. The OCRC subsequently chose not to pursue the charges to a full hearing. A Conciliation Agreement and Consent Order was executed between the OCRC and UPS on or about November 1, 2018, without the involvement or participation of the Plaintiffs, who received no compensation or personal equitable relief of any kind through the agreement, and without any acknowledgement or admission of wrongdoing by UPS. The Plaintiffs did not concede or concur that the purported remediation of UPS’s discriminatory and retaliatory conduct contemplated in its agreement with the OCRC was sufficient or effective.

ALLEGATIONS RELATED TO THE INDIVIDUAL PLAINTIFFS

32. The factual allegations contained in the preceding paragraphs are incorporated herein as if fully set forth.

33. Plaintiff Dewayne Spears, an African-American, has worked for UPS for more than 22 years as a full-time driver. He has personal experience with and personal knowledge of discrimination, including but not limited to the following:

a. In May 2013, Plaintiff Spears filed, along with other African-American employees of UPS, filed a grievance challenging the lack of adequate discipline imposed on a white feeder driver who had referred to an African-American UPS security guard as a “lazy nigger.” The grievance was ignored. Defendant Dave Sabin, a Manager, was

directly involved in both the inadequate discipline imposed on the white feeder driver as well as the denial of the subsequent grievance filed by Spears.

b. Shortly thereafter, Defendant Sabin called Plaintiff Spears into his office to reprimand him for getting a drink of water on company time.

c. In 2014, Defendant Sabin accused Plaintiff Spears of “stealing company time” when he was using the restroom. Sabin accused him of going to his car, but he later acknowledged that the allegations were fabricated.

d. Later, in 2014, Defendant Sabin terminated Plaintiff Spears’ employment after he received a warning ticket from police for speeding. This was in contrast to white feeder drivers, who did not receive such harsh discipline for similar offenses. Spears was reinstated following a union grievance but without back pay. Spears had no prior disciplinary or traffic-related record.

e. In 2016, Defendant Sabin, together with the individual designated by Sabin to succeed him in his managerial position, again terminated Plaintiff Spears for reasons that were contrived, including additional false accusations that he was stealing time while on the road. Spears again was reinstated following a union grievance but again received no back pay.

34. Plaintiff Pamela Camper, an African-American, has worked at UPS for almost 30 years. She has been subjected to and has personal knowledge of discrimination, including but not limited to the following:

a. In September 2016, Plaintiff Camper directly reported to Defendant Jeff St. Mary, who at the time served as the Acting Package Car Manager. As a part-time supervisor, Ms. Camper served the package car department and worked directly with

package car drivers. On or about September 22, 2016, Ms. Camper learned that her co-worker, Jessica Siwajek, had been approached by Shannon Peters, a package car driver. Camper also learned that Ms. Peters told Siwajek that she had failed to deliver a package to a predominantly African-American neighborhood because she did not want to go to “Niggerville” or “Nigger City.” This information caused Ms. Camper to feel extreme anger and discomfort. Subsequently, on or about September 28, 2016, Plaintiff Camper became aware that Ms. Siwajek had promptly reported the incident to Mr. St. Mary and that Mr. St. Mary had not only failed to act, he had also failed to disclose the information to any proper persons so that disciplinary action could be taken. Further, Ms. Camper learned that disciplinary action was ultimately taken only after another African-American employee of UPS reported the incident to a more senior African-American manager, who terminated Ms. Peter’s employment. UPS shortly thereafter voluntarily reinstated Ms. Peter’s employment, even though she acknowledged the accusations. Ms. Camper was subsequently required to continue reporting to Mr. St. Mary, with the knowledge that he attempted to bury the allegations related to Ms. Peters and to prevent her from facing discipline. She was also forced to have routine interactions with Ms. Peters. In addition, Ms. Camper learned that no disciplinary action had been taken against Manager St. Mary for his failure to pursue disciplinary action against Ms. Peters. He was instead promoted to Manager.

b. Subsequently, when she went to print out a computer-generated report, Plaintiff Camper observed on the office computer screen (which she and Mr. St. Mary shared, and which she was required to use on a daily basis) a picture of Defendant St. Mary wearing a girl’s cheerleader outfit with his legs and midriff exposed. She

complained to a more senior UPS Division Manager that the picture was offensive and inappropriate. The Division Manager declined to take action and instead recommended she call a 1-800 Hotline to complain. She received no response to doing so. Only weeks later did the Division Manager direct Defendant St. Mary to remove the picture. Plaintiff Camper understood that the cheerleading picture both celebrated the fact that he had avoided discipline and indicated that he would encourage, not merely tolerate, racist comments and conduct. An employee who claimed to have posted the picture was later transferred.

c. Plaintiff Camper made repeated and ongoing requests for full-time and/or supervisory jobs without success. White employees with years less seniority and experience in comparison to Plaintiff Camper were routinely promoted, even without job postings, to full-time and supervisory positions that earned significantly higher wages than her position.

d. With respect to one senior administrative position that arose in 2017 due to a retirement, Plaintiff Camper told Defendant Parkes that she wanted to be promoted. Defendant Parks responded by relaying a decision-maker's words to the effect of, "if nobody else wants it, you can apply for it." A white employee received that promotion and, after she was unable to perform, a white temporary employee was placed in the position. When that employee engaged in misconduct, UPS convinced the employee who had retired from the position to return to work. Throughout this period, UPS knew that Plaintiff Camper remained interested in and qualified for the position but refused to consider her for the position.

e. Plaintiff Camper has observed supervisors assigning heavier lifting and more rigorous duties to minority employees in the Package Car Center, while regularly assigning lighter lifting and less rigorous duties to white employees. She has also observed seasonal minority drivers being assigned longer distances and more difficult routes, while white seasonal drivers were regularly assigned shorter and less difficult routes.

f. Plaintiff Camper frequently became aware of racist comments and conduct in the workplace that she did not directly hear or witness. These events, together with the failure of UPS to take prompt and effective discipline, caused her to feel anger, humiliation, degradation, anxiety and depression. She understood that UPS permitted racism to be practiced at the Maumee Distribution Center, and was emotionally affected by the fact that she worked for an employer that tolerated such racism. The same is true of each of the other Plaintiffs.

35. Plaintiff Paula Bennett, an African-American, has worked at UPS for more than 20 years, mainly in a part-time position working 20 hours per week. She has personally experienced and has personal knowledge of discrimination, including but not limited to the following:

a. In 2015, Plaintiff Bennett's working hours were dramatically reduced to no more than two hours a day. Hours she had been working were given to white employees, and her annual income was cut in half to \$8,000. She repeatedly requested additional hours and observed that white employees with less seniority and fewer or equal qualifications than hers received work hours and related compensation that was far greater. Plaintiff Bennett has since that time made repeated requests for additional hours.

Despite being a 20-year employee of UPS, her requests have been denied, while white employees with far fewer years of seniority have received far greater opportunities to work, including full-time and supervisory positions with far greater pay.

b. Since having secured her Commercial Driver's License ("CDL") in 2009, Plaintiff Bennett has repeatedly sought a driver's position, both as a package and a feeder driver. She has repeatedly been denied an opportunity to even apply and has instead watched UPS give white individuals with less seniority and fewer or equal qualifications those positions, sometimes without positions having been posted and/or with qualifications being waived. Plaintiff Bennett's efforts to secure driving positions and UPS's failure to even consider her applications have continued to the present. During that same period, UPS has given numerous white employees with fewer years of experience and lesser qualifications these positions. Upon information and belief, less than one percent of package and feeder drivers are African-American females.

c. In 2017, Plaintiff Bennett took and passed an examination for a part-time supervisor position. Although she applied for the position, the job posting was taken down and filled with a white before the expiration of the application period and without affording Ms. Bennett an interview. Later the same year, Defendant Vaughn filled a second supervisory position, in which Plaintiff Bennett was interested, without even posting the position. The job was filled by a white employee. UPS and Defendant Vaughn knew Plaintiff Bennett was interested in these positions.

d. In 2018, Plaintiff Bennett was finally given an opportunity to apply for a driving position. The position, however, was filled by a white employee who had previously worked as a seasonal driver for one season. Plaintiff Bennett not only had a

CDL at the time of her application (whereas the white applicant did not) but she had far greater seniority and otherwise had greater experience and superior qualifications than the white employee who was awarded the position.

e. From 2009 to 2018, Plaintiff Bennett was consistently denied opportunities to gain driving experience while on the job at UPS, in contrast to similarly situated white employees who received such opportunities. .

f. In 2011, Plaintiff Bennett had twice been sent home for wearing an Afro haircut even though her complaints to UPS had secured her the right to do so, while white employees with tattoos, facial hair, and multiple artificial hair colors (such as pinks and purples), among other such aspects of personal appearance, have not received notice from UPS management that they must alter their appearance.

g. In Plaintiff Bennett's yard control position, her duties include traveling around the distant lots. While her white predecessor has been given the use of a vehicle to perform those duties, she was denied use of a vehicle, impairing her ability to perform the duties efficiently and preventing her from securing additional driving experience.

36. Plaintiff Lora Blanton, an African-American, worked at UPS for over 35 years as a part-time employee until her retirement in February 2019. She has personally experienced and has personal knowledge of discrimination, including but not limited to the following:

a. Although Plaintiff Blanton worked a full-time schedule in the Feeder Department, she remained classified as part-time, and, despite having made repeated inquiries about full-time positions and promotions to specialist or comparable positions that paid higher wages, she was seldom even given the opportunity to apply, often because the positions were not posted. If given that opportunity, she did not have her

application fairly considered or processed; for example, a posting would be taken down until a white employee with greater seniority than her applied. In fact, white employees who were chronically absent from or late to work were given more favorable treatment, including better jobs, raises and promotions. She complained to Defendants Parkes and Vaughn and, despite their power and responsibility to rectify the discrimination, they provided no relief.

b. Plaintiff Blanton observed UPS give white employees with far fewer years of service and lesser qualifications positions for which she was equally or better qualified, and which UPS knew she wished to fill. For example, a white employee she had trained was favored for promotion over her. She complained about race discrimination but never secured relief.

37. Plaintiff Melvena Flowers, an African-American, has worked at UPS for more than 25 years. She has personally experienced and has personal knowledge of discrimination, including but not limited to the following:

a. For the past 13 years, Plaintiff Flowers worked as a “combo worker” in the HUB. She was assigned two duties: she has spent 20 hours per week lifting and sorting and moving boxes weighing up to 70 pounds, which causes chronic pain in multiple areas of her body, and she has been assigned 20 hours per week to clean toilets. Ms. Flowers has observed that African-American employees are routinely assigned to the most physically demanding responsibilities. She has observed that similarly situated white employees are routinely given less strenuous work duties, , than those assigned to her and to other African-American employees who have more seniority and equal or

better qualifications than similarly situated white workers. . She has observed the same pattern in other classifications as well.

b. Very recently, Plaintiff Flowers was able to bid into a small sort position, which is less strenuous; however, she was once again assigned to the most physically demanding responsibilities in small sort.

c. Plaintiff Flowers has observed a double standard in discipline: white employees are treated more leniently than minority employees for similar acts or omissions.

c. UPS has known that Plaintiff Flowers, who has a bachelor's degree, has been interested in promotion opportunities for years. She has experienced a pattern of UPS posting jobs for which she was qualified while she was on vacation and filling them before she could apply, taking down postings before their deadline date, and even filling jobs for which she was qualified and interested without posting them at all.

38. Plaintiff Kimberly Collins-Stewart, an African-American, has worked more than 21 years for UPS. She became aware of racist comments and conduct and understood that UPS permitted racism to be practiced at the Maumee Distribution Center. Whenever she has interacted with other employees, supervisors, or managers, she has kept in mind that feeling and was careful not to give them any reason to respond negatively to her. Plaintiff Collins-Stewart has retained an assignment largely isolated from others for this same reason. In February 2017, Plaintiff Collins-Stewart received a text message that was racially driven and offensive: "How many supervisors does it take to screw in a light bulb? None, they just fire the room for being black." No disciplinary action was taken in response to this incident. Plaintiff Collins-Stewart subsequently received a text message from a co-worker showing that a stuffed monkey wearing a

UPS uniform had been placed adjacent to an area where African-American employees worked. Although brought to the attention of Loss Prevention, no disciplinary action was taken.

39. Plaintiff Antonio L. Lino, an African-American, has worked more than 24 years for UPS. His current position is a full-time combo worker. He has personal experience with and knowledge of discrimination at the Maumee Distribution Center. He has personal knowledge and experience with discrimination at the Maumee Distribution Center, including but not limited to the following:

a. He has frequently been the target of over-supervision, stares, and racist comments. In one instance in 2011, a white supervisor showed him a photo of an unknown African-American male and asked if it was Plaintiff Lino's brother. In another instance, the same white supervisor began taunting him and eventually became aggressive and threw a package at him.

b. In 2013, Plaintiff Lino became aware of an electronic game that several UPS employees, including a white supervisor, were playing. The white supervisor was using a symbol of a black man being hung from a gallows to identify himself. Although reported, no investigation was initiated, and no discipline was taken, even though the conduct represented a blatant depiction of racial hatred and clearly violated UPS written policies, including policies that claimed on paper to prohibit racist conduct.

c. On July 11, 2016, Plaintiff Lino found two nooses hanging directly behind his work station when he began his shift. The nooses had been left by a UPS employee who displayed Nazi and assault weapon images on his Facebook page. Plaintiff Lino reported the nooses to white managers Sean Eberline and Matthew O'Shea. He was subsequently told not to tell anyone else about the nooses and to delete cellphone pictures

he had taken of the nooses. He was informed that the nooses were just a joke between two white employees on night shift and had been left there over the weekend and the shift before his. Plaintiff Lino was also threatened with discipline for taking photos of the nooses, based on a purported violation of UPS policy. In the days and weeks before the nooses were hung, Plaintiff Lino had been vocal about the Black Lives Matter movement and his opposition to police use of deadly force against African-Americans. He understood that the nooses were not a joke but instead a threat to him. He communicated about the nooses and shared his cellphone pictures with other minority employees. He knew that UPS had previously tolerated nooses and other racist comments and conduct at the Maumee Distribution Center.

40. Plaintiff Tommy Adams, an African-American, has worked more than 25 years for UPS. He has personal experience with and personal knowledge of discrimination, including but not limited to the following:

a. Twice in 2005, Plaintiff Adams applied to become a full-time package car driver. Both times, despite his greater seniority and equal or better qualifications, he was rejected when a white applicant with lesser seniority and no greater qualifications was promoted. Defendants Vaughn and Parkes had circumvented established seniority rules and promoted the less senior, less qualified white applicants. When Plaintiff Adams subsequently filed a charge of discrimination with the Ohio Civil Rights Commission, a supervisor asked him to withdraw the charge and allow the situation to be resolved internally. Plaintiff Adams agreed to do so, but there was no informal resolution, and he was not promoted.

b. In 2006, Plaintiff Adams successfully secured a temporary seasonal position as a package car driver; however, at the end of the holiday season, he was slated to return to his part-time sorting position. He has observed that UPS rarely gave permanent jobs to minority employees in seasonal positions, while it often did so for white seasonal employees. UPS needed Plaintiff Adams to work another day as a seasonal driver due to a shortage of permanent drivers and, under the collective bargaining agreement, that additional day entitled him to a permanent position. After UPS denied his request for that position, he was forced to file a grievance. Only then, in October 2007, was he awarded the position. He never received back pay for the discriminatory denial of the position over a period of two years.

c. In 2017, Plaintiff Adams applied for a posted Feeder Driver position. Two white applicants applied for the same position. Adams had greater seniority than either of the white employees who applied, and he had equal or better qualifications for the position. Both of the white employees who applied were given an information packet, which included a Commercial Driver's License ("CDL") application packet. Of the three applicants, Plaintiff Adams was the most senior applicant, the only minority applicant, and the only applicant who did not receive an application packet from the H.R. Department. In addition, although Defendant H.R. Supervisor Karen Parkes was expressly informed that Plaintiff Adams was the most senior qualified applicant and entitled to be awarded the position, she nevertheless awarded the position to a less senior, less qualified white applicant. Plaintiff Adams was again forced to grieve the decision through the UPS Division Manager and was only then awarded the position, which Parkes characterized as an "oversight." He is also aware of a white employee without

any relevant experience who had been hired for a Feeder driver position which had not even been posted for bid.

41. Plaintiff George Moorer, an African-American, has worked more than 28 years for UPS. Since 2006, he has been in a “combo job” consisting of low-volume direct and housekeeping porter duties. His job is not eligible for overtime. He has repeatedly been passed over for higher paying jobs, including a full-time combo position in 2015, even though he had greater seniority and was equally qualified to or better qualified than the promoted white employee. In 2016, he was the most senior employee to bid for a posted higher paying Feeder job, but the posting was taken down until a more senior white employee’s name was added to the bid sheet. That white employee was then given the position.

42. Plaintiff Keith L. Wiggins, an African-American who retired on June 22, 2017, after working 43 years for UPS, worked since 1974 as a full-time combo air driver, picking up packages and delivering them to various locations within the Maumee facility, and as a nighttime vehicle washer. He was the only African-American air driver. He has personal experience with and personal knowledge of discrimination, including but not limited to:

a. White air drivers were paid an additional “ground rate” for picking up ground packages, but UPS failed to pay this additional amount to Plaintiff Wiggins for years, during which he lacked knowledge about the pay disparity largely due to UPS’s gag rule on employees discussing their compensation level. Upon learning of the disparity, he filed a grievance, but UPS failed to fully compensate him for the loss of income. He believes white air drivers continued to periodically be paid better than him, but pretexts were used to justify the pay discrimination.

b. Plaintiff Wiggins also filed a grievance in late 2016 over being routinely forced to use rental vehicles rather than UPS-owned vehicles, which were safer to drive and easier to use, while white employees were rarely forced to use rental vehicles.

43. Plaintiff Anton Williams, an African-American, has worked more than twelve years for UPS. His current position is on-call feeder driver. He has personal experience with and knowledge of discrimination at the Maumee Distribution Center, including but not limited to the following:

a. In 2013, Plaintiff Williams filed a grievance when a UPS driver referred to an African-American UPS security guard a “lazy nigger.” The driver was initially terminated by an African-American manager, but was quickly, voluntarily reinstated by more senior white UPS managers, who simply directed the driver to attend an “anger management class.” Defendant Sabin, a Manager who was directly involved in review and denial of Plaintiff Williams’ grievance, subsequently made false allegations that Plaintiff Williams had engaged in sexual harassment of a female co-worker. A hearing cleared him of that charge and demonstrated that Sabin had contrived the allegation.

b. As a union steward, Plaintiff Williams has also observed that UPS managers and supervisors have routinely imposed more severe discipline on African-American drivers. Plaintiff Williams is aware of and has observed the disparate treatment of black employees when imposing discipline. African-American drivers have consistently been disciplined for reasons that are contrived and suffered discipline based on infractions for which white drivers are not disciplined or receive far less discipline. Willie Fontaine, Ricki Woodard and Dewayne Spears are among such feeder drivers who have been unfairly targeted based on their race. Plaintiff Williams has also observed that

promotional decisions to such higher paying jobs as package car and feeder driver are made in a way that favors white applicants, including, but not limited to, making exceptions to well established hiring and eligibility rules and procedures for promotion.

c. Plaintiff Williams is aware that full-time supervisor positions in the feeder department have been largely reserved for white employees.

44. Plaintiff Ricky Woodard, an African-American, has worked more than 13 years for UPS. His current position is Feeder Driver. He has personal experience with and knowledge of discrimination against minorities at the Maumee Distribution Center, including but not limited to the following:

a. Plaintiff Woodard became aware of a noose hanging at Maumee Distribution Center and observed that UPS took no, or inadequate steps to prevent racist comments or conduct. Because of the violent racism symbolized by a hanging noose, he reacted with fear, anger, and disgust to the noose hanging and the tolerance of UPS for such racist comments or conduct. He was surrounded by white employees, supervisors, and managers who did not welcome the presence of African-Americans in the workplace generally and in higher-paid Feeder Driver positions in particular. Their resentment towards African-Americans informed how he interacted with others and kept him looking over his shoulder for any manifestations of their racism.

b. In 2018, Plaintiff Woodard was followed by two white supervisors while hauling loads as a feeder driver. Upon information and belief, Plaintiff Woodard was the only individual followed. Plaintiff Woodard was charged with “stealing time” and his employment was terminated. He was alleged to have spent too much time using the toilet. He was also accused of driving less than the speed limit with his load and failing

to take loads that had not yet even been assigned to him. These allegations were pretextual, fabricated, based on his race, and retaliatory. Plaintiff Woodard was subsequently reinstated following a grievance filed by the union; however, he received no back pay for the wages that he lost or compensation for the race-based and retaliatory actions of UPS.

45. Plaintiff Douglas V. Stephens, an African-American, has been employed at UPS for more than 30 years. He is currently employed as a Sorter/PSC. He has personal experience with and personal knowledge of discrimination, including but limited to the following:

a. On or about September 1, 2016, Plaintiff Stephens requested a reassignment and, despite having more seniority and equal or better qualifications than the white employee who received that assignment, his request was rejected. UPS did not give him a reason for this rejection, but other applications of his have been rejected on suspicious grounds, such as the position no longer being available or being filled by a less senior, white employee with equal or inferior qualifications.

b. Plaintiff Stephens, like the other Plaintiffs, was aware of and threatened by the pervasive racist conduct at the Maumee Distribution Center, including, but not limited to, the noose incidents, and the failure of UPS to take adequate measures to prevent racist comments or conduct.

46. Plaintiff Allen Peace, an African-American, has been employed by UPS for more than 20 years. He is a part-time sorter, typically assigned to packages weighing up to 70 pounds. In 2010, he applied for a package car driving position which paid four times the wage of his sorter position and was eligible for overtime. He had greater seniority and equal or better qualifications than the white employee who was selected. In 2014, he applied again, and this

time was taken on a “test drive” by a white manager. Plaintiff Peace was not given any advance notice of the test drive or an opportunity to become familiar with the package car and was told by the manager that he failed his test drive and was disqualified from further consideration. White employees were routinely given advance warning, an opportunity to become familiar with a package car, and training before being taken on a test drive to be evaluated for an available position.

47. Plaintiff Perry Loggins, an African-American, has worked more than 22 years for UPS. Since 1997, he has been assigned to Preload in a part-time position. He has personal experience with and personal knowledge of discrimination, including but not limited to the following:

a. For much of his tenure, Plaintiff Loggins’ duties centered on moving large packages, up to 70 pounds, from trailer trucks to delivery trucks. He is now assigned to “small sort,” which is far less physically demanding. In the interim, over a period of years, white employees with less seniority and fewer or equal qualifications were repeatedly assigned to “small sort” despite UPS’ knowledge that he wanted that assignment. In “small sort,” packages weigh five pounds or less. In 2018, he filed a grievance after being denied a transfer to small sort that was given to a white with only a year of seniority. Only then was he awarded the position.

b. In 2018, Plaintiff Loggins sought a taping position, which involves light physical activity, but a white employee with less seniority and fewer or equal qualifications was awarded the position instead.

c. In Plaintiff Loggins’ experience, minority employees are routinely assigned more physically demanding loading and unloading duties and seldom given

assistance, while white employees are seldom assigned the more physically demanding duties and routinely given assistance to perform such duties. This disparity in assignments occurs even though minority employees often have greater seniority, and supervisors have rejected Plaintiff Loggins' requests to assign the duties without discriminating.

d. On one occasion, a white supervisor falsely accused Plaintiff Loggins of making a threat, and he was exonerated upon review of a video that recorded the interaction. The supervisor was not disciplined.

e. In or around 2015, Plaintiff Loggins sought a Feeder Driver position and was the most senior bidder; however, a less senior white employee with fewer or equal qualifications received the position—a pattern he has observed for several Feeder Driver positions. Prior to 2018, when UPS first began to alter its conduct in an effort to defeat race discrimination allegations initiated by plaintiffs herein, an African-American supervisor or manager was a rarity. There was never an African-American supervisor in Preload before 2018. Multiple minority employees during Plaintiff Loggins' tenure became so discouraged by being denied promotions for which they had greater seniority and equal or greater qualifications that they left UPS.

f. Plaintiff Loggins observed that a white UPS employee posted on her Facebook in November 2016 a blatantly racist illustration, using the terms such as “white power” and “nigga” and displaying a man sitting at a table with his head down in a clown's nose and hat.

48. Plaintiff Willie Fontaine, an African-American, has worked at UPS for more than 30 years. He has personal knowledge of and experience with discrimination, including but not limited to, the following:

a. Plaintiff has worked as a “shifter,” and his duties have been to move trucks from one loading dock to another. In 2016, UPS attempted to terminate his employment after he had a roll-away accident caused by the failure to put a truck in park. He was reinstated following a union grievance but prohibited from ever again shifting a UPS vehicle. He was also stripped of his bidding rights in shifting, resulting in significant losses of income from the new lower paying job to which he was assigned. White employees have been immediately returned to work and/or not disciplined at all for the same violation and, in some instances, multiple similar accidents, and have been allowed to continue driving and to retain their bidding rights.

b. In 2017, Plaintiff Fontaine bid for a position as a feeder driver. He was the most senior of four applicants. The second most senior applicant was also African-American. The two other applicants were white. Although both of the white applicants received an information packets with CDL application enclosed from the HR Department, neither Plaintiff Fontaine nor the other African-American applicant received the packet. Plaintiff Fontaine subsequently received CDL training from two white UPS supervisors as part of the driver qualification process; however, he was disqualified from proceeding further in the application process based on a pretextual explanation that he was “learning too slow.” Although Fontaine immediately thereafter secured his CDL license, he remained disqualified from consideration. In addition, although it was subsequently brought to the attention of HR Supervisor Karen Parkes that the other

African-American applicant (Plaintiff Tommy Adams) was the remaining most senior applicant, Ms. Parkes nevertheless awarded the position to one of the less senior white applicants, forcing Adams to pursue an informal grievance with the UPS Division Manager.

c. In 2018, Plaintiff Fontaine again applied for a position as a feeder driver. Although he was the most senior applicant, met eligibility criteria, and already had a required CDL, the position was awarded to a less senior white applicant.

49. Plaintiff Eldridge Edgecombe, Jr., an African-American, has worked at UPS for more than 26 years. He is currently employed as a Feeder Driver. He has personal knowledge of and experience with race discrimination at the Maumee Distribution Center, including but not limited to the following:

a. In 2011, Plaintiff Edgecombe applied to become a supervisor in the package car department. His score on the written promotion test was reported to be one of the highest on record. A white applicant was selected instead of him.

b. In 2015, Plaintiff Edgecombe applied to become a supervisor in the feeder department, which had no African-American supervisors. He was told he had too many accidents. A then-existing white supervisor in the feeder department, however, not only had the same number of accidents, but had been involved in more severe accidents.

c. Plaintiff Edgecombe became aware of the noose hanging and learned that it was followed with text messages among driver employees ridiculing concern about nooses. He also learned about the reference by a white employee to "Niggerville." He observed that UPS failed to take adequate steps to prevent such racist comments and conduct. He understood from the cumulative effect of the racist comments and conduct

that he was surrounded by white employees, supervisors, and managers who did not welcome the presence of African-Americans in the workplace generally and in higher-paid Feeder Driver positions in particular—a fact he must always keep in mind in his interactions in the workplace.

50. Plaintiff Timothy Simmons, an African-American, was employed as a seasonal package car driver to assist with increased delivery volume from November 2017 to January 2018. He was one of 15 seasonal drivers in his group but the only African-American. He has personal experience with and personal knowledge of discrimination, including but not limited to the following:

a. Plaintiff Simmons received much less training than that provided to white seasonal workers. Although he was assigned to a regular delivery route, he was repeatedly and falsely told that his route was not running and that there was no work. In fact, the route had been given to a white seasonal co-worker. As a result, Mr. Simmons received only a fraction of the hours of work assigned to white seasonal employees in his group, affecting his comparative qualifications for a permanent position.

b. Based on his seniority and qualifications, including his performance when permitted to work as a seasonal employee, Plaintiff Simmons requested consideration for permanent employment. A white supervisor falsely informed him that no seasonal employees would be hired. UPS has falsely told other African-American seasonal employees that they could not be considered for or offered permanent employment. In contrast, white seasonal employees have frequently been considered for and offered permanent employment.

51. Plaintiff Donnell Haskins, an African-American, has been employed for more than 33 years by UPS. His current position is Feeder Driver. He became aware of the noose hanging and the failure of UPS to take adequate steps to prevent such racist comments and conduct. He must work with the understanding that white employees, supervisors, and managers do not welcome the presence of African-Americans in the workplace generally and in higher-paid Feeder Driver positions in particular. He must regularly report to work in an environment he knows is hostile and is forced to endure the prevalence of racism at the Maumee Distribution Center and its effect on his performance and career.

ALLEGATIONS RELATED TO THE INDIVIDUAL DEFENDANTS

52. The factual allegations contained in the preceding paragraphs are incorporated herein as if fully set forth.

53. Defendant Karen Vaughn, a white, was the Director of the Human Resources Department at the UPS Maumee Distribution Center. Together with Defendant Parkes, she exercised day-to-day control over employment practices, policies, and decisions at the entire Center. Her assigned responsibility included ensuring equal employment opportunity for existing employees seeking better job opportunities within the facility and for applicants seeking initial employment with UPS, and preventing and rectifying, through a competent investigation and prompt and effective remedial steps, a hostile work environment. She purposefully chose not to meet that responsibility.

a. Defendant Vaughn personally aided UPS in ignoring the seniority of African-American employees and their equal or superior qualifications in assignment and promotion decisions, manipulating the posting and bidding process to withhold opportunities from qualified African-American employees, and erecting hurdles for

African-American employees that were not applied to white employees. She facilitated the assignment of less desirable, more physically demanding duties to African-American employees when white employees were favored with more desirable, less physically demanding duties. She also condoned the denial of changes to permanent and/or full-time status for African-American seasonal and/or part-time employees even though white employees with less seniority and equal or inferior qualifications were granted those changes. Defendant Vaughn openly tolerated racist comments and conduct by white employees and differential discipline, when minority employees were treated more harshly than minority employees who committed comparable acts.

b. After being employed for more than two decades, only in 2018, after repeated charges of discrimination, did UPS force Defendant Vaughn to retire.

c. At all times material to this Complaint, Defendant Vaughn acted directly or indirectly in the interest of her employer, UPS; and, through her supervisory position, personally aided, abetted, incited, compelled, and/or coerced the doing of acts declared by Ohio Revised Code Chapter 4112 to be unlawful discriminatory and retaliatory practices, and attempted to directly or indirectly commit acts declared by R.C. Ch. 4112 to be unlawful discriminatory and retaliatory practices.

d. Defendant Vaughn is a permanent resident of the State of Ohio.

54. Defendant Karen Parkes was a supervisor in the Human Resources Department at the UPS Maumee Distribution Center. Together with Defendant Vaughn, she exercised day-to-day control over employment practices, policies, and decisions at the entire Center. Her assigned responsibility included ensuring equal employment opportunity for existing employees seeking better job opportunities within the facility and for applicants seeking initial employment with

UPS, and preventing and rectifying, through a competent investigation and prompt and effective remedial steps, a hostile work environment. She purposefully chose not to meet that responsibility.

a. Defendant Parkes personally aided UPS in ignoring the seniority of African-American employees and their equal or superior qualifications in assignment and promotion decisions, manipulating the posting and bidding process to withhold opportunities from qualified African-American employees, and erecting hurdles for African-American employees that were not applied to white employees. She facilitated the assignment of less desirable, more physically demanding duties to African-American employees when white employees were favored with more desirable, less physically demanding duties. She also condoned the denial of changes to permanent and/or full-time status for African-American seasonal and/or part-time employees even though white employees with less seniority and equal or inferior qualifications were granted those changes. Defendant Parkes openly tolerated racist comments and conduct by white employees and differential discipline, when minority employees were treated more harshly than minority employees who committed comparable acts.

b. After being employed for more than two decades, only in 2018, after repeated charges of discrimination, did UPS force Defendant Parkes to retire.

c. At all times material to this Complaint, Defendant Parkes acted directly or indirectly in the interest of her employer, UPS; and, through her supervisory position, personally aided, abetted, incited, compelled, and/or coerced the doing of acts declared by Ohio Revised Code Chapter 4112 to be unlawful discriminatory and retaliatory

practices, and attempted to directly or indirectly commit acts declared by R.C. Ch. 4112 to be unlawful discriminatory and retaliatory practices.

d. Defendant Parkes is a permanent resident of the State of Ohio.

55. Defendant Jeff St. Mary had managerial responsibility for the UPS Maumee Distribution Center. When he learned about racist comments or conduct, including a white employee's use of the racial epithet "nigger" or its derivatives, the hanging of nooses, and similar misconduct which, on paper, UPS had zero tolerance for, he chose to ignore and conceal the conduct in order to aid, abet, incite, compel, and coerce violations of Chapter 4112 of the Ohio Revised Code.

a. Defendant St. Mary also treated Plaintiff Simmons differently than nonminority seasonal drivers and personally undermined his application for a permanent position.

b. Defendant St. Mary posed in a girl's cheerleader outfit, his midriff exposed, and that picture was posted on the facility-wide web site until weeks after a complaint was made about its impropriety. The context for that posting was Defendant St. Mary and other employees evading discipline for tolerating racist words and conduct, and the message to minority employees sent by the posting was that he was celebrating his success in evading and preventing discipline and would encourage, not merely tolerate, racist words and conduct.

c. At all times material to this Complaint, Defendant St. Mary acted directly or indirectly in the interest of his employer, UPS; and, through his managerial position personally aided, abetted, incited, compelled, and/or coerced the doing of acts declared by R.C. Ch. 4112 to be unlawful discriminatory and retaliatory practices, and attempted

to directly or indirectly commit acts declared by R.C. Ch. 4112 to be unlawful discriminatory and retaliatory practices.

d. Defendant St. Mary is a permanent resident of the State of Ohio.

56. Defendant Jeffrey Bronner had managerial responsibility for the UPS Maumee Distribution Center, overseeing package cars.

a. Defendant Bronner was directly involved in the investigation of text messages sent among feeder drivers discussing the purchase of additional rope with lottery winnings to “hang em high.” Even though he knew the identity of the drivers who sent the text messages as well as the substance of the texts, he took no disciplinary action and instead suggested that Plaintiff Adams resolve his complaint about the texts informally, as he claimed they were merely a joke. When a grievance was subsequently filed by Plaintiff Adams to protest the lack of discipline, UPS presented Defendant Bronner’s false claim that he was unaware of the identity of the drivers who sent the messages or the substance of the texts, and his false suggestion that Plaintiff Adams failed to cooperate in the investigation.

b. UPS took no meaningful disciplinary action against Defendant Bronner, instead choosing to transfer him to another position and retain him as a manager despite his unwillingness to take remedial action upon learning about racist comments and conduct, including the noose and the lottery message.

c. Defendant Bronner, in his managerial capacity, disregarded and refused to act on complaints that African-American employees of UPS were assigned more strenuous loading and unloading tasks based on their race.

d. At all times material to this Complaint, Defendant Bronner acted directly or indirectly in the interest of his employer, UPS; and, through his managerial position personally aided, abetted, incited, compelled, and/or coerced the doing of acts declared by R.C. Ch. 4112 to be unlawful discriminatory and retaliatory practices and attempted to directly or indirectly commit acts declared by R.C. Ch. 4112 to be unlawful discriminatory and retaliatory practices.

e. Defendant Bronner is a permanent resident of the State of Ohio.

57. Defendant Dave Sabin had managerial responsibility for the UPS Maumee Distribution Center, overseeing feeder drivers.

a. Defendant Sabin was directly involved in the investigation of a white feeder driver who called an African-American security guard a “lazy nigger.” He purposely chose not to apply UPS’s purported “zero tolerance” policy to the white driver, and personally used his managerial responsibility to retaliate against multiple African-American employees, including Plaintiffs Spears Williams, by repeatedly fabricating allegations of misconduct against them and causing their unwarranted termination.

b. UPS took no meaningful disciplinary action against Defendant Sabin despite his unwillingness to take remedial action upon learning about racist comments and conduct and his retaliation against the individual Plaintiffs who opposed discrimination, and he remains employed at UPS.

c. At all times material to this Complaint, Defendant Sabin acted directly or indirectly in the interest of his employer, UPS; and, through his managerial position personally aided, abetted, incited, compelled, and/or coerced the doing of acts declared by R.C. Ch. 4112 to be unlawful discriminatory and retaliatory practices and attempted to

directly or indirectly commit acts declared by R.C. Ch. 4112 to be unlawful discriminatory and retaliatory practices.

d. Defendant Sabin is a permanent resident of the State of Ohio.

58. As a proximate result of Defendants' unlawful acts and omissions, Plaintiffs have suffered injuries including pain and suffering, emotional distress, embarrassment, humiliation, anxiety, and adverse effects on their family relationships, as well as loss of income and related benefits and missed opportunities for advancement.

IV. CLAIMS FOR RELIEF

59. Plaintiffs restate and incorporate Paragraphs 1-57 as if fully rewritten.

60. Defendants' acts and omissions give rise to claims for relief arising under Ohio Revised Code Sections 4112.02(A), (I), and (J), which prohibit race discrimination and retaliation in the workplace by employers and individuals who aid, abet, incite, compel, coerce, and/or attempt to commit unlawful discriminatory and retaliatory acts. All of these violations are actionable pursuant to Section 4112.99 of the Revised Code.

PRAYER FOR RELIEF

Wherefore, Plaintiffs pray judgment, severally and jointly, declaring that R.C. Ch. 4112 has been violated, and for relief as follows:

- a. For declaratory and injunctive relief addressing Defendants' pattern and practice of discrimination as alleged herein;
- b. For an award of compensatory damages in an amount exceeding \$25,000;
- c. For an award of punitive damages in an amount sufficient to deter future unlawful conduct;

d. For an award of attorneys' fees, expenses of litigation, costs, and post and prejudgment interest; and

e. For such other relief as justice may require.

Respectfully submitted,

By: _____

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JURY DEMAND

Plaintiffs hereby demand a trial by jury of all issues so triable.

By: _____
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