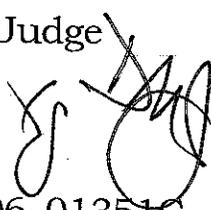


# Memo

**To:** Desmon Martin, Director of Enforcement and Compliance  
**From:** Denise M. Johnson, Chief Administrative Law Judge  
**Date:** September 29, 2011  
**Re:** *Marietta Reed v. General Motors Corporation*  
(AKR) B30012606 (30794) 012606 22A-2006-01351C  
Complaint No. 10084



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**CONSIDERATION OF  
ADMINISTRATIVE LAW JUDGE'S REPORT  
ALJ RECOMMENDS DISMISSAL ORDER**

Report issued: September 29, 2011

Report mailed: September 29, 2011

**\*\* Objections due: October 24, 2011**

DMJ:tg

**OHIO CIVIL RIGHTS COMMISSION**

IN THE MATTER OF:

**MARIETTA REED**

Complainant

v.

**GENERAL MOTORS  
CORPORATION**

Respondent

Complaint No. 10084  
(AKR) B3012606 (30794) 012606  
22A-2006-01351C

**CHIEF ADMINISTRATIVE LAW JUDGE'S FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND RECOMMENDATION**

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**ALJ'S REPORT BY:**

Marietta Reed  
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**Complainant**

Denise M. Johnson  
Chief Administrative Law Judge  
Ohio Civil Rights Commission  
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## **INTRODUCTION AND PROCEDURAL HISTORY**

Marietta Reed (Complainant) filed a sworn charge affidavit with the Ohio Civil Rights Commission (the Commission) on January 20, 2006.

The Commission investigated the charge and found probable cause that General Motors Corporation (Respondent) engaged in unlawful employment practices in violation of Revised Code Section (R.C.) 4112.02(I).

The Commission attempted, but failed to resolve this matter by informal methods of conciliation. The Commission subsequently issued a Complaint on September 14, 2006.

The Complaint alleged Respondent subjected Complainant to disparate terms and conditions of employment, and decreased her opportunity to work overtime hours, in retaliation for having engaged in activity protected by R.C. 4112.02(I).

Respondent filed an Answer to the Complaint on October 17, 2006. Respondent admitted certain procedural allegations, but denied that it engaged in any unlawful retaliatory practices. Respondent also pled affirmative defenses.

A public hearing was held on September 17-18, 2008 at the Trumbull County Common Pleas Court, 161 High Street N.W., Warren, Ohio.

The record consists of the previously described pleadings; a transcript of the hearing consisting of 288 pages; exhibits admitted into evidence during the hearing; and the post-hearing briefs filed by the Commission on August 31, 2009; by Respondent on December 18, 2009; a reply brief and Motion to Strike filed by the Commission on December 18, 2009; and Respondent's Response Thereto, filed on December 31, 2009.<sup>1</sup>

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<sup>1</sup> Commission's Motion to Strike is based on statements in Respondent's post-hearing brief regarding settlement discussions. The Administrative Law Judge (ALJ) did not rely on the statements in Respondent's brief as Respondent's cross-examination of Complainant on the same subject during the hearing was objected to by the Commission, and sustained by the ALJ.

## **FINDINGS OF FACT**

The following Findings of Fact are based, in part, upon the ALJ's assessment of the credibility of the witnesses who testified before her in this matter. The ALJ has applied the tests of worthiness of belief used in current Ohio practice. For example, she considered each witness's appearance and demeanor while testifying. She considered whether a witness was evasive and whether his or her testimony appeared to consist of subjective opinion rather than factual recitation. She further considered the opportunity each witness had to observe and know the things discussed, each witness's strength of memory, frankness or lack of frankness, and the bias, prejudice, and interest of each witness. Finally, the ALJ considered the extent to which each witness's testimony was supported or contradicted by reliable documentary evidence.

1. Complainant filed a sworn charge affidavit with the Commission on January 20, 2006.

2. The Commission determined on June 1, 2006 it was probable Respondent engaged in unlawful retaliation in violation of R.C. 4112.02(I).

3. The Commission attempted to resolve this matter by informal methods of conciliation. The Commission issued the Complaint after conciliation failed.

4. Respondent is a manufacturer of automobiles and trucks.

5. Complainant started working for Respondent at its Lordstown, Ohio facility in September 1979.

6. At all times during her employment with Respondent, Complainant has been a member of the United Auto Workers Union (UAW).

7. After working in a variety of departments Complainant moved into a skilled trades position in 1991.

8. In 1995 Complainant completed an apprenticeship program and received her journeyman certificate in truck repair with the job title of truck repairman. (Tr. 13, 21, 29)

9. As a truck repairman, Complainant's duties included working on a wide variety of Respondent's mobile equipment which supports the operations at the Lordstown complex. (Tr. 218-219)

10. In 1996 Complainant sustained injuries while working in the battery room.

11. The batteries weigh 3,000 to 5,000 pounds. (Tr. 17-18)

12. As a result of her injuries, Complainant developed subclavian vein thrombosis, which is a blood clot in the main vein into the heart. (Tr. 17-18)

13. The blood clot prevented Complainant from lifting over twenty (20) pounds or moving her left arm above shoulder height. (Tr. 17-18)

14. Dr. Patchen, Complainant's personal physician, issued work restrictions for Complainant. She gave them to Respondent's Medical Department. (Tr. 23, Comm. Ex. 19)

15. Respondent allowed Complainant to work in its Truck Repair Department (TRD) with her 20-pound lifting restriction and arm movement restriction from 1997 until 2006. (Tr. 20-21, 29)

16. Meanwhile, Respondent's TRD was decreasing in size. (Tr. 91)

17. In 1999, Respondent had 24 truck repair employees in the Lordstown assembly plant.

18. From 2006 to 2008 Respondent had only 8-10 truck repair employees.

19. The reduction in truck repair personnel occurred due to technological advances and other related changes to how the department functioned. (Tr. 197, 217-218)

20. Although the truck repair personnel saw a reduction in numbers, the Lordstown complex was the largest single auto-manufacturing line in the world, having approximately 5,000 employees and a large fleet of mobile equipment that truck repair employees were responsible for maintaining. (Tr. 197, 215)

21. In November or December 2005 Dale Anderson (Anderson) became the Facility Area Manager (FAM) for the entire Lordstown complex. (Tr. 190-191)

22. Anderson reported to Respondent's Worldwide Facilities Group which assigns FAMs to assembly plants. (Tr. 178)

23. The FAM is responsible for various facility issues and activities which support the manufacturing/production operation, including the TRD and maintenance of the mobile equipment fleet. (Tr. 179-182)

24. Upon assuming his new position Anderson looked to increase efficiencies and reduce costs to increase Respondent's competitiveness in the global market.

25. Anderson identified three (3) areas under his management that were inefficient and needed improvement: (1) housekeeping, (2) heating ventilation and air conditioning (HVAC), and (3) truck repair. (Tr. 192-193)

26. With respect to truck repair, Anderson observed significant deficiencies in: (i) keeping the mobile vehicle fleet running, and (ii) maintaining the preventative maintenance schedule required by Occupational Safety & Health Administration (OSHA). (Tr. 192-193)

27. In order to determine the cause of the inefficiencies in those areas the review process initiated by Anderson included the evaluation of employees' medical restrictions.

28. In August of 2000 Complainant was asked to go to Respondent's Medical Department to have her restrictions updated. (Tr. 31, Comm. Ex. 6)

29. Initially Respondent labeled Complainant's condition as temporary, but then labeled it permanent in December 2001. (Tr. 31-33, Comm. Ex. 6, 7)

30. Respondent only issued restrictions for a certain length of time. Upon expiration of the restriction date, the restrictions were no longer in effect.

31. It was the employee's responsibility to present documentation to Respondent's Medical Department substantiating the need to continue the restriction on or before it expired. (Tr. 153, 161-162, 166)

32. Respondent's policy was not affected by a determination from private physicians that the employees' restrictions were permanent.

33. Gerald Butler (Butler) became Respondent's Complex Personnel Director for Lordstown in 2004. (Tr. 214-115)

34. Complainant filed several discrimination charges against Respondent during the 1990s up to and including 2000. (Tr. 83-84)

35. Sometime between 2002 and 2004 Complainant filed a federal lawsuit alleging discrimination based on sexual harassment against Respondent. (Tr. 84)

36. On August 4, 2005, a jury returned an advisory verdict for Respondent as a result of a summary jury trial. (Tr. 84)

37. On or around November 7, 2005, Complainant sent a letter to Troy Clarke (Clarke), then President of Respondent's European business operations. Prior to that position Clarke had served as Respondent's Vice President of Labor Relations for North America. (Tr. 120, 241)

38. Complainant's letter complained about "bullying", hostile work environment, and disparate treatment. (Comm. Ex. 3)

39. Since Clarke was no longer at Lordstown the letter was forwarded to Butler.

40. Butler first met Complainant when he participated in the federal lawsuit as Respondent's representative.

41. Butler, in conjunction with his staff, investigated the allegations contained in Complainant's letter and on January 5, 2005 he reviewed the results of the investigation with her. (Tr. 242, Comm. Ex. 4)

42. Anderson's evaluation of the three departments was contemporaneous with the letter written by Complainant.

43. Upon receiving information from the plant Medical Department, Anderson's staff identified individuals who had active or expired restrictions.

44. Anderson instructed his employees with expired restrictions to follow procedures to update their restrictions. If they were unable to do so, they would be expected to assume the full duties of their jobs. (Tr. 194-195)

45. Anderson's review of Complainant's medical restrictions revealed that, should they be renewed, they would prevent her from performing approximately 75% of the truck repair duties. (Tr. 160, 196)

46. During the meeting of January 5, 2006, Butler asked Complainant about her medical restrictions. (Tr. 51, 252)

47. Butler told Complainant she would need to talk with her doctor and that Respondent wanted her to update her medical restrictions. (Tr. 102, 267)

48. Dr. Brian Gordon (Dr. Gordon) is Respondent's Lordstown Complex Medical Director. (Tr. 143-144, 158)

49. After the meeting Butler spoke with Dr. Gordon about Complainant's medical restrictions.

50. On January 6 and 9, 2006, Complainant reported to the plant Medical Department that her weight-lifting and left-arm-raising restrictions had lapsed, and she needed to see her treating physician regarding renewal of the restrictions. (Tr. 115, 118, Resp. Ex. Y)

51. Complainant communicated to management that if she were made to perform the full array of truck repair duties during the interim period before she could obtain documents sufficient to substantiate the restrictions, in particular the "heavy duty" aspects of the job, she could suffer serious bodily injury or death. (Tr. 26-28, 223-224)

52. On January 9, 2006, the Medical Department issued temporary preventative medical restrictions in order to protect Complainant until she could obtain documentation regarding her continued need for restrictions. (Tr. 145, 160, Comm. Ex. 11)

53. On January 11, 2006, Dr. Gordon, a UAW representative, an ADAPT representative and Complainant's truck repair supervisor conducted a walkthrough of the truck repair job to determine which aspects of the job Complainant could and could not do within the restrictions issued on January 9, 2006. (Tr. 148)

54. Respondent's ADAPT program is a job placement program for employees with medical issues. The program is administered jointly by the UAW and Respondent's management and plant medical doctors. (Tr. 106, 158)

55. The walkthrough revealed Complainant could not perform approximately 75% of the essential functions of the job. (Tr. 148, Comm. Ex. 12)

56. Consequently, Anderson and the TRD determined Complainant was no longer qualified for the position of truck repairman and the TRD could no longer accommodate her. (Tr. 169, 197)

57. As a result of that determination, Butler approved removing Complainant from the skilled trade classification of repairman. (Tr. 232, 278-279)

58. Respondent offered two (2) long-term options to Complainant: (1) accept an offer of work that was in a non-skilled classification within her medical restrictions; or (2) be laid off at the skilled trades layoff pay rate. (Tr. 232)

59. Respondent could not place Complainant in another skilled trades position which would allow her to perform a more significant amount of work consistent with her restrictions because such placement not only would have been inconsistent with Complainant's prior training, but would have violated the Collective Bargaining Agreement (CBA) between Respondent and the UAW.

60. Skilled trades employees who are not certified in a specific skilled trade are prohibited from performing work in that classification. (Tr. 230-231)

61. On January 26, 2006, Complainant elected placement in a non-skilled trades job through the ADAPT program. (Tr. 169-170, 278)

62. During the time Complainant worked as a truck repairman her rate of pay was \$30.19 per hour, plus the \$1.61 COLA, with opportunities to work overtime every day.

63. When Complainant took a non-skilled line production position she made between \$24.00 or \$25.00 per hour, plus the COLA, but with limited opportunities for overtime.

## CONCLUSIONS OF LAW AND DISCUSSION

All proposed findings, conclusions, and supporting arguments of the parties have been considered. To the extent that the proposed findings and conclusions submitted by the parties and the arguments made by them are in accordance with the findings, conclusions, and views stated herein, they have been accepted; to the extent they are inconsistent therewith, they have been rejected. Certain proposed findings and conclusions have been omitted as not relevant or as not necessary to a proper determination of the material issues presented. To the extent that the testimony of various witnesses is not in accord with the findings therein, it is not credited.<sup>2</sup>

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<sup>2</sup> Any Finding of Fact may be deemed a Conclusion of Law, and any Conclusion of Law may be deemed a Finding of Fact.

1. The Commission alleged in the Complaint that the Respondent subjected the Complainant to disparate terms and conditions of employment, and decreased her opportunity to work overtime hours, in retaliation for having engaged in activity protected by Revised Code 4112.02(I).

2. This allegation, if proven, would constitute a violation of R.C. 4112.02, which provides, in pertinent part, that:

It shall be an unlawful discriminatory practice:

(I) For any person to discriminate in any manner against any other person because that person has opposed any unlawful discriminatory practice defined in this section or because that person has made a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing under sections 4112.01 to 4112.07 of the Revised Code.

3. The Commission has the burden of proof in cases brought under R.C. Chapter 4112. The Commission must prove a violation of R.C. 4112.02(I) by a preponderance of reliable, probative, and substantial evidence. R.C. 4112.05(G) and 4112.06(E).

4. Federal case law generally applies to alleged violations of R.C. Chapter 4112. *Columbus Civ. Serv. Comm. v. McGlone* (1998), 82 Ohio St.3d 569. Therefore, reliable, probative, and substantial evidence means evidence sufficient to support a finding of unlawful retaliation under Title VII of the Civil Rights Act of 1964 (Title VII).

5. Under Title VII case law, the evidentiary framework established in *McDonnell Douglas Co. v. Greene*, 411 U.S. 792, 5 FEP Cases 965 (1973) for disparate treatment cases applies to retaliation cases. This framework normally requires the Commission to prove a *prima facie* case of unlawful retaliation by a preponderance of the evidence. The proof required to establish a *prima facie* case may vary on a case-by-case basis. *McDonnell Douglas, supra* at 802, 5 FEP Cases 969, n.13. The establishment of a *prima facie* case creates a rebuttable presumption of unlawful discrimination. *Texas Dept. of Community Affairs v. Burdine*, 450 U.S. 248, 25 FEP Cases 113 (1981).

6. Once the Commission establishes a *prima facie* case, the burden of production shifts to Respondent to “articulate some

legitimate, nondiscriminatory reason” for the employment action.<sup>3</sup>

*McDonnell Douglas, supra* at 802, 5 FEP Cases at 969. To meet this burden of production, Respondent must:

... “clearly set forth, through the introduction of admissible evidence,” reasons for its actions which, *if believed by the trier of fact*, would support a finding that unlawful discrimination was not the cause of the employment action.

*St. Mary’s Honor Center v. Hicks*, 509 U.S. 502, 507, 62 FEP Cases 96, 103 (1993), *quoting Burdine, supra* at 254-55, 25 FEP Cases at 116, n.8.

The presumption created by the establishment of a *prima facie* case “drops out of the picture” when the employer articulates a legitimate, nondiscriminatory reason for the employment action.

*Hicks, supra* at 511, 62 FEP Cases at 100.

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<sup>3</sup> Although the burden of production shifts to Respondent at this point, the Commission retains the burden of persuasion throughout the proceeding. *Burdine, supra* at 254, 25 FEP Cases at 116.

The defendant’s burden is merely to articulate through some proof a facially nondiscriminatory reason removing the Complainant from the truck repair position; the defendant does not at this stage of the proceedings need to litigate the merits of the reasoning, nor does it need to prove that the reason relied upon was bona fide, nor does it need to prove that the reasoning was applied in a nondiscriminatory fashion.

*EEOC v. Flasher Co.*, 60 FEP Cases 814, 817 (10<sup>th</sup> Cir. 1992) (citations and footnote omitted).

7. The proof required to establish a *prima facie* case is also flexible and, therefore, may vary on a case-by-case basis. *McDonnell Douglas, supra* at 802, 5 FEP Cases 969, n.13. In this case, the Commission may establish a *prima facie* case of unlawful retaliation by proving that:

- (1) Complainant engaged in an activity protected by R.C. Chapter 4112;
- (2) The alleged retaliator knew about the protected activity;
- (3) Thereafter, Respondent subjected Complainant to an adverse employment action; and
- (4) There was a causal connection between the protected activity and the adverse employment action.

*Hollins v. Atlantic Co., Inc.*, 80 FEP Cases 835 (6<sup>th</sup> Cir. 1999), *aff'd in part and rev'd in part*, 76 FEP Cases 533 (N.D. Ohio 1997) (quotation marks omitted).

8. In this case, it is not necessary to determine whether the Commission proved a *prima facie* case. Respondent's articulation of legitimate, nondiscriminatory reasons for Complainant's removal from a skilled trades position to an unskilled trades position removes any need to determine whether the Commission proved a

*prima facie* case, and the “factual inquiry proceeds to a new level of specificity.” *U.S. Postal Service Bd. of Governors v. Aikens*, 460 U.S. 711, 713, 31 FEP Cases 609, 611 (1983), quoting *Burdine*, *supra* at 255, 25 FEP Cases at 116.

Where the defendant has done everything that would be required of him if the plaintiff has properly made out a *prima facie* case, whether the plaintiff really did so is no longer relevant.

*Aikens*, *supra* at 713, 31 FEP Cases at 611.

9. Respondent met its burden of production with the introduction of evidence Complainant was moved to a non-skilled position in order to provide her with a job that could accommodate her medical restrictions.

10. Respondent having met its burden of production, the Commission must prove that Respondent retaliated against Complainant because she engaged in protected activity. *Hicks*, *supra* at 511, 62 FEP Cases at 100. The Commission must show by a preponderance of the evidence that Respondent’s articulated reasons for Complainant’s removal from a skilled trades position

were not the true reasons, but was “a pretext for ... [unlawful retaliation].” *Id.*, at 515, 62 FEP Cases at 102, quoting *Burdine*, *supra* at 253, 25 FEP Cases at 115.

[A] reason cannot be proved to be a “pretext for [unlawful retaliation]” unless it is shown *both* that the reason is false, *and* that ... [unlawful retaliation] is the real reason.

*Hicks*, *supra* at 515, 62 FEP Cases at 102.

11. Thus, even if the Commission proves that Respondent’s articulated reasons are false or incomplete, the Commission does not automatically succeed in meeting its burden of persuasion:

That the employer’s proffered reason is unpersuasive, or even obviously contrived, does not necessarily establish that the ... [Commission’s] proffered reason of ... [unlawful retaliation] is correct. That remains a question for the factfinder to answer ....

*Id.*, at 524, 62 FEP Cases at 106.

Ultimately, the Commission must provide sufficient evidence for the factfinder to infer that Complainant was, more likely than not, the victim of unlawful retaliation.

12. In order to show pretext, the Commission may directly or indirectly challenge the credibility of Respondent’s articulated

reasons for removing Complainant from the position of truck repairman, a skilled trades position.

13. The Commission may directly challenge the credibility of Respondent's articulated reasons by showing the reasons had no basis *in fact* or were *insufficient* to motivate the employment decision. *Manzer v. Diamond Shamrock Chemicals Co.*, 29 F.3d 1078, 1084 (6<sup>th</sup> Cir. 1994). Such direct attacks, if successful, permit the factfinder to infer intentional discrimination from the rejection of the reasons without additional evidence of unlawful discrimination.

14. The Commission may indirectly challenge the credibility of Respondent's reasons by showing that the sheer weight of the circumstantial evidence makes it "more likely than not" that the reasons are a pretext for unlawful discrimination. *Manzer, supra* at 1084. This type of showing, which tends to prove that the reasons did not *actually* motivate the employment decision, requires the Commission produce additional evidence of unlawful

discrimination besides evidence that is part of the *prima facie* case.

*Id.*

15. The Commission's production of additional evidence of pretext is unpersuasive.

16. The record is devoid of any evidence of conspiracy or subterfuge on the part of Anderson, Butler or Gordon that their actions were motivated by unlawful retaliation.

17. Complainant's medical condition, her restrictions, and the undisputed evidence that she could not perform 75% of the essential functions of the job of truck repairman were all credible reasons for Respondent's determination that she be placed in a job where she could perform, given the scope of her restrictions.

18. Respondent's legitimate non-discriminatory reasons are also supported by credible evidence that in 1999 Respondent had 24 truck repair employees in the Lordstown assembly plant and that number was reduced to 8-10 employees between 2006 to 2008.

There was a reduction in truck repair personnel even though the work force was at 5,000 employees and the TRD was responsible for the repair and maintenance of a large fleet of mobile equipment.  
(Tr. 197, 215)

19. With the reduced number of truck repairman evaluating how employee restrictions affected the efficiency of the truck repair operation was credible.

[A] plaintiff may not establish that an employer's proffered reason is pretextual merely by questioning the wisdom of the employer's reason, at least not where, as here, the reason is one that might motivate a reasonable employer.

*Combs v. Meadowcraft, Inc.*, 73 FEP Cases 232, 249 (11<sup>th</sup> Cir. 1997).

20. The Commission failed to meet its burden of proof and persuasion that Respondent engaged in unlawful retaliation.

**RECOMMENDATION**

For all of the foregoing reasons, it is recommended that the Commission issue a Dismissal Order in Complaint No. 10084.

A handwritten signature in cursive script, reading "Denise M. Johnson", is written over a solid horizontal line.

DENISE M. JOHNSON  
CHIEF ADMINISTRATIVE LAW JUDGE

September 29, 2011

Marietta L Reed  
2980 Malibu Drive SW  
Warren, Ohio 44481

RECEIVED

October 18, 2011

OCT 24 2011

Desmon Martin  
Director of Enforcement and Compliance  
Ohio Civil Rights Commission  
State Office Tower, 5th Floor  
30 East Broad Street  
Columbus, Ohio 43215-3414

OHIO CIVIL RIGHTS COMMISSION  
COMPLIANCE DEPARTMENT

Statement of Objections: Complaint No. 10084

Refer to: Introduction and procedural history as supplied by Chief Administrative Law Judge, Denise Johnson.

Dear Mr. Martin:

I am writing to introduce to you my statement of objections. I have recently received a letter of resignation from the case worker assigned to this case by the OCRC. I do not know if the OCRC will also send you a statement of objections.

(Refer to introduction and procedural history received from Denise Johnson, Administrative Law Judge)

Page 14 item no. 53 and 55 - Dr. Gordon did a walkthrough of the truck repair department. I was present when Dr. Gordon came to truck repair. Dr. Gordon talked with Hector Colon and Pete Heintzelman about the truck repair duties. Dr. Gordon did not have any conversation with me about the duties in truck repair. I am enclosing a petition signed by Hector Colon and Pete Heintzelman requesting that I be removed from the truck repair department. I do not believe this process gave me a fair representation of my abilities. The two men Dr. Gordon chose to talk to had signed a petition trying to have me removed from the truck repair department because I was the only woman in the

shop and they did not want any women to work there. I had worked in the truck repair department from 1979 until 2006, when I was removed under the guise that I could not do 75% of the work involved. I did not work on fork trucks because GM management told me not to work on fork trucks. After returning from sick leave in 1996 I did 90% of the work on fork trucks. The only items I could not do were to press tires and change a mast. I did 100% of the electrical, changed brushes in the motors, repaired the operating system, changed lights, horns, changed the roll cage, replaced cylinders, fabricated and replaced hoses – all without any help. Management told me to place any fork trucks that I had repaired that still needed tires or needed a new mast, into the tunnel and they would be reassigned to the men in the shop. There were 18 trucks in the tunnel that I had repaired and returned to the tunnel for tires or a new mast. GM could not get any of the men in the shop to finish the work on the fork trucks. The men refused direct orders to do the work. So, management came back to me and ordered me to refrain from working on fork trucks. I no longer worked on fork trucks as per management's direction. I also repaired, pm'd 100% of all scooters, 100% of all flatbeds, 100% of all quad steer trailers, 100% of the lawn equipment, 100% of the stand-ups, 100% of all bicycles, 100% of the lawn tractors, and 100% of the scarfiers. There is no way that GM could have legitimately found that I could not do 75% of the work. In late 2005 – it was reported to me by two of the men in the truck repair department that GM management had asked them to place approximately 40 scooters into three semi-truck trailers for a temporary storage. The men were told per Randy Cramer that the trucks would be returned to the department at a later time. Also, as told to me by the committeeman on third shift – GM changed the policy to mandate that “NO” pm's would be done on the third shift. This left a total of seven men – two of these men were in the office doing paperwork, one of the men was on the truck, and one man was in the battery room. This left three mechanics to complete the pm schedule which GM is claiming was always lacking per OSHA requirements. If GM was so concerned to get the pm's done? Why would they remove the two men on midnights from working on pm's. It is quite apparent that this whole scenario was done for one purpose – to manipulate the numbers and use this to determine that I could not do 75% of the work available!! However, in all actuality, I was doing all this work before GM demanded that I stop doing it! Also, the general foreman came to the shop and made a speech that I was the highest producing truck repairperson in the shop. Bill Rupnik told all the men that I not only produced more, but that less of my work was returned to the shop for rework than any other repairman.

Page 14 item no 53

Before Dr. Gordon's walkthrough in truck repair – I was asked to go the medical department the following Monday. I was given the restrictions that were originally placed for me upon returning after sick leave in 1996. The next day the foreman brought me another paper and the Dr. had revised and ordered “more” restrictions. He claimed I could not use my left arm for repetitive motion. This was never part of my restrictions before, and I had no idea why he added them. Tommy Davis from ADAPT asked me about the restrictions, and I said my original restrictions were fine! The revised version of restrictions used to evaluate my ability to perform truck repair duties were taken from

[Recipient Name]

October 20, 2011

Page 3

the restrictions issued on January 9, 2006 – these were not the original restrictions – the new set of restrictions would definitely disqualify me from doing more work – but - they were issued by the plant Dr. with no additional tests, and no additional medical information concerning the need for more restrictions. In essence I was weaker on paper than I actually was; according to GM management.

Page 13 item no. 51 - Management claims they were concerned about my claims about bodily injury or death. It was Dr. Patchen who made the diagnosis that pulling the batteries or doing heavy work above the head, or heavy lifting could cause death. He tried on several occasions to get GM management to accept the restrictions he had put in place. But GM continued to remove the restrictions and assign me work that would require me to hold my arms in the air for long periods of time above my head, and they assigned me heavy lifting. This was a constant assault to the already damaged arm and chest. At any point the arm is above shoulder height, there is no arterial flow, thus resulting in dying tissue. The heavy lifting exacerbated the swelling in the chest and considerable amount of pain. Dr. Patchen sent medical records to GM and also sent a file on the complications and results of deep SVT. He said working in the battery room, by pulling the batteries, (which is where the SVT happened) could cause death. After GM had all this knowledge and paperwork from the Dr. – GM management still insisted that I go to the battery room and pull the batteries so they could see if it would cause a problem. When GM management determined that I had no problem that they could visibly see – they asked me to return to the battery room. I called my Dr. and he called GM's Dr. Gordon from his home and pleaded with Dr. Gordon to realize this could and would cause my death! All the documentation for this was included in the court case. Ten years later when we were still discussing my restrictions and I was asked why I had them, I explained this whole scenario and GM management then expresses its concern about my health and well being. However, on 1-06-06 the foreman assigned me to rebuild a portable lift in the shop. He stated it was an emergency job and must be done immediately. He stated our OSHA team was coming to the shop to inspect the lift this afternoon. I moved two scooters, a lawn tractor, and several 50 gallon drums to get to the lift. Upon building the lift and moving the parts – which according to this same foreman, three parts weigh over 100 pounds; and six of the parts weighed over 60 pounds. I attempted to build the lift and had problems with immediate swelling and pain in the chest. I was taken to medical where the nurse was quite concerned about the amount of swelling and heat generated from the chest area and the veins were distended in the upper chest and arm. She said I needed to see her again tomorrow.

Thirty days after this “emergency” build the lift was still sitting on the floor – unfinished – as I left it! I saw the OSHA rep and he said, “There was no inspection set up for the lift”. I believe this was set up just to show a medical visit – thereby – proving my weakness in the shop. But I would never have had an issue if I were not asked to pick up and move 100 pound objects.

Also, when I was removed from the trades and returned to the line under the guise of my restrictions – I was placed on a job that required me to have my left arm just above shoulder height all night on each job. The Dr. wrote restrictions for truck repair saying I could not have repetitive motion with the left arm – but that is exactly what I did on the line. So the whole premise of losing my job to restrictions was simply a fallacy.

Page 16 item no 61 - GM claims I *elected* to go into the adapt program. That is a lie. Tommy Davis told me that GM wanted me to go out on lay-off or sick leave- but he warned me that GM would never let me return to work. I could not afford to be out of work for the rest of my life at age 54. I had no choice but to stay at work and try to get my job back.

Not noted in the procedural history - GM also offered a deal so I could return to truck repair department. I simply had to give up all the outside charges that I had filed with the OCRC and the CRC ~~XXXXXXXXXXXXXXXXXXXX~~. How could I commit to that when I could not trust anyone to help with the ongoing problems. I had been begging management for years to solve the hostile work environment issues, I had shared with them the sexual harassment pictures, cartoons, words, and the threats made against me. One of the men in the shop threatened to bring in a gun and take care of the problem (which he thought was me) and when I went to management and told them – Murray Thomas admitted he would be very afraid, but that there wasn't much he could do to stop it!. I went to every available person I could find, from foreman, to general foreman, to shift manager, to union committeemen, to the UAW zone man to the head of labor relations and to the plant manager. I was exhausted in trying to get equal treatment – that is all I ever asked for – that and a safe work environment. I finally went to the OCRC where I was told it would be beneficial for me to record conversations with management as there were issues with management constantly telling lies. At a later meeting with the OCRC rep I was instructed to write to Detroit – which is exactly what I did.

No other person has ever been removed from the skilled trades. There have been jobs created for skilled trades individuals who have been injured – according to the union rep the following four names were men who were injured and a job was created to keep them in their trades with full pay

Ted Krunich - pipefitter

William Penn – millwright

John Harrow – pipefitter

Bob McCullough – pipefitter

Page 10 item no 36 - In reference to the summary jury trial – yes GM won that judgment. But it was a mock trial. It was not an official trial. According to the judge it was a way to determine how a jury might react to the evidence. There were no binding verdicts for either side. They hired a high-priced attorney from California and he was quite impressive in the courtroom. He told the jurors how kind General Motors was after I had suffered an emotional breakdown. He told them how GM paid for my treatment and medicines and how they allowed me to return to work. He doesn't tell them that this is in the contract and I had medical insurance. He convinced the jury that the breakdown was suffered because I was molested as a child! The psychiatrist, psychologist and the hospital treatment center all agree that the reason for the breakdown was **work related stress!!** I had been threatened with a gun, had threatening calls at home that they would blow up my home when my grandchildren were staying the night, had my parts and clothes soaked in urine, had dead animals placed in my personal cabinet, was subject to verbal assaults including being called bitch instead of my name, my tire was flattened in the parking lot, my jewelry was stolen, my completed jobs were sabotaged for years, my work area was blocked with equipment, with 250 pounds of floor dry made to look like a grave, my tools were stolen, my tool box was smashed, the cartoons placed daily on my toolbox were offensive and threatening, I was followed home by men in the shop. For 15 long years I tried to do my job and survive the barrage of insults. I begged every level of management to help – but it never stopped.

GM management has many policies about the workplace – however no one in management could stop the problems in the shop. GM management members admitted they could not control the truck repair department and what went on there. Because of the extensive documentation and recordings, there is proof of everything I am writing, and I will be sending it along with this statement.

Page 4 item no - 2

The Commission determined on June 1, 2006 it was probable Respondent engaged in unlawful retaliation in violation of R.C. 4112.02(1).

I believe if you will reference the claims I placed with the OCRC or the CRC you will find that upon receipt of said charges – GM would then make issue with my work restrictions, my work, or my character. I was an exemplary employee until the point where I asked for help outside the GM system. Well I tried for years to get help from

within the system and all attempts to solve the problems failed. The state promises that a workplace will be held accountable where issues of sexual harassment, hostile work environment, and retaliation arise. The investigators are committed to look at all the facts and make a judgment call as to whether there has been a violation of rights. As you will see in the paperwork forthcoming – on several occasions GM was found to have likely violated the law. GM would have you believe that I *use* the bureau as my personal arbiter in dealing with the issues of GM. I simply bring all the information and documentation I have to the ORCR and discuss the problems with one of the investigators there. HE makes the determination after much investigation – I have nothing to do with the outcome of the OCRC department. If General Motors would uphold their own policies for a safe work environment – none of this would be an issue. The fact that General Motors admitted it could not control the men or what was happening in the shop simply reinforces the need for the OCRC to intervene.

I did write grievances as per our UAW contract book, however, I was told my grievances never made it to second step. I was also told by my committeeman, my zone man, the shop chairman, and our internal EEOC rep that ***“never had the door to management been closed for any employee except me.”*** Management refused to discuss their intention to have me removed from the trades. People who are fired are afforded the opportunity to have the union bargain for them, but the union was told there would be “NO bargaining” where I was concerned. In court the OCRC appointed attorney asked Mr. Butler if he knew where the grievances were, and he happily stated they were still on his desk, as he had not had time to address them. We were in court on September 17 and 18 in 2008. In two years Mr. Butler had not found a moment to address the grievances. However, I would like to note here that my zone man who has since retired has been awarded a multi- million dollar contract for his company to clean the paint department at the Lordstown GM facility. That is not the only oddity – my committeeman who warned me not to sign the agreement offered by General Motors – now has an appointment and is head of the skilled trades department, choosing who enters the trades.

It is quite obvious to me and many others as proven by their statements, that this removal from the trades had nothing to do with my restrictions, and everything to do with the letter to Detroit and the claims filed with the OCRC. General Motors does not like outside interference and that is a well known fact. General Motors had my personal phone at home tapped for several months. Please instruct Judge Johnson that if she was made privy to that recording to ask for the ***original untampered- with version.*** She will hear me tell General Motors that I know that I am being taped – “this case never was, nor never will be about money, I simply want the harassment to stop and I want an apology from management for letting it go on so long!”

Mr. Martin, I do not know the proper procedure to write the statement of objections – however I have not heard from the OCRC as to what I should do, if anything. I do not understand how Judge Johnson can ignore the findings of the commission. I do not know why the commission appointed attorney has not contacted me. I know, though, that what General Motors did to me was wrong. I know that they paint a pretty picture and juggle the facts to make them look good. But, the fact remains I was retaliated against for the letters and the charges made at the OCRC.

Sincerely,

Marietta L. Reed

cc : Denise M Johnson, Chief Administrative Law Judge

Lori A. Anthony, Chief Civil Rights Section

Patrick Dull, Esq

5

Ora O. Summerfield 301-34-3476  
5160 Brunswick Dr.  
Vienna, Ohio 44473  
330-856-3183  
330-824-5215 #40 1st.

February 5, 2000

Under Article #33, section C of the constitution of the International Union-UAW, I Ora O. Summerfield, hereby wish to appeal the decision of my committeeman Terry Voland, zone committeeman Brandon Michaels, and shop chairman Larry Wilkins, on the verbal grievance filed at a meeting with all three union officials January 10, 2000 at 11:30 am.

In our department #40 Truck Repair, we have four people on restricted duty. This forces the other employees to cover the battery room. The battery room duties are rotated on a weekly schedule.

Job assignment of light duty work to restricted people, such as bicycles, scooters, while others not playing the system are given the heavy fork lifts, outside sweeper, trucks and scrubbers.

Two of the employees have been on restricted duty for over four years. We feel this is to much of a burden to carry for a life time. This condition causes hard feelings and a very hostile work place. We are not asking for anyone to be hurt or injured. If these people can not perform on their jobs they should be given a job that they can do without being a hardship to others. We only ask to be treated fair.

Our union officials have informed us that their hands are tied.

We are requesting fair treatment in this problem.

R. L. Titus Jr 298-36-5759  
John H. Schellter 289-52-3032  
Cassidy L. ... 290-...-...  
Richard D. Holden 286-34-7682  
John M. Campbell 492-48-0277  
Russell D. ... 282-52-6319

Ora O. Summerfield 301-34-3  
Lini C. Wells 301-66-59  
Mark P. Hermsblumen Jr 578-48-4  
Walter J. Bielecki 275-44-51  
...  
Mark Barawski 369-50-7702  
William C. Hunter Jr 274-66-7794  
Hector Colon 275-44-634  
Ed Shaw 143-20-4654  
... - 300-50-866-1  
IV

00510

2

**Specialty Care Counseling Services, Ltd.**  
**Vicky L. Kangas, LISW**  
**2000 East Market Street**  
**Warren, Ohio 44483**

July 15, 2005

Re: Ms. Marietta Reed  
DOB: 05/14/52

Mr. John Ams  
3722 Starrs Center Drive, Suite #1  
Canfield, Ohio 44406

Dear Mr. Ams,

I am writing in response to your request for information regarding my client, Marietta Reed.

The first time I met Ms. Reed was on 11/12/02 for the initial intake appointment to begin the therapy process. I obtained a family and social history at that time and established her treatment plan. Her presenting problem was that she was under psychiatric care with Dr. Ehab Sargious due to severe depression and was referred to me for out-patient therapy. She explained that she had been diagnosed with a subclavical vein thrombosis in 1996, and her medical doctor has put her on work restriction, which limited her physical activity and ability at work. As a result, some of her co-workers were harassing her because her medical restrictions limited her ability to do all of her work-related tasks. She further explained that she had appealed to management personnel at work (General Motors Corp.) to intervene on her behalf, but they made no effort to stop the verbal abuse and harassment she experienced. She did show me a letter from her medical doctor that indicated he ordered her to limit her work-related tasks. She was not to raise her arms above her head nor do any heavy lifting at that time. Apparently, some of her co-workers were very verbally abusive and even tried to sabotage the work that she did perform because they felt that she was not working hard enough and they refused to accept her explanation of being on a medical work restriction.

Through the course of therapy, it became apparent that Ms. Reed had suffered an emotional breakdown. She had been put on sick leave by Dr. Ehab Sargious, who did a psychiatric evaluation and put Ms. Reed on medication to stabilize her mood. She was experiencing depression and severe anxiety. She had begun to isolate herself from her family and friends and had difficulty accepting the fact that she was not strong enough

to get through the harassment without needing psychiatric help.

I believe you already have the clinical information from Dr. Ehab Sargious, which will shed some light on Ms. Reed's history, so I do not feel a need to elaborate on that aspect of my work with her. Instead, I would like to share some information and my professional opinion regarding the things we discussed during our sessions. Understand that my goal was to strengthen her self-esteem and self-confidence so that she could return to work and cope with whatever her supervisors and co-workers did.

I saw Ms. Reed for 24 therapy sessions between November 2002 and October 2003. She had gone back to work and was doing pretty well with only minor complaints about harassment as of September 2003. In October of 2003, she explained that the medications were causing her to fall asleep at work and she was instructed to quit taking the meds or go back on sick leave again. She felt going on sick leave would be a major step backwards, so she quit taking her medications.

I did not see Ms. Reed again until June of 2005. At that time, she came in and explained that she felt a need to get back into therapy because things were bad at work again and she was afraid that she might collapse emotionally again without support. She elaborated and shared more recent incidents at work that she felt were unfair and once again she was being harassed and treated unfairly by her supervisors. For example, she is now only to do work that is specifically assigned to her, which results in a lot of down-time doing nothing. She is not allowed to do anything unless she is told. Needless to say, her co-workers see her not working and the harassment is escalating again.

I feel a need to say that it is my opinion that Ms. Reed has a very strong and admirable work ethic. She is very firm in her beliefs regarding justice, right vs. wrong and that good will always outweigh the bad in any situation. She shared multiple incidents when she tried every possible avenue to resolve the situation with her superiors and co-workers. I believe she had her emotional breakdown when she realized that the system she believed in failed her. She was overwhelmed with guilt to think that she broke down and should have been strong enough to handle it. She blamed herself for something that was clearly out of her control. She ended up filing bankruptcy, which caused her to feel like even more of a failure. She shared feeling betrayed and unable to trust her own sense of reality. I supported her sense of reality, but had to explain that sometimes things happen in systems that do not adhere to what we believe should happen.

Since Ms. Reed has reinitiated treatment with me, I have seen her three times and another appointment has been scheduled for July 19, 2005. The focus of my current work with her is to alleviate her anxiety and prevent her from experiencing another debilitating depression.

Should you have any questions or require additional information, please feel free to call me at (330) 399-1221.

Sincerely,

Vicky L. Kamgas, LISW

VICKY L. KANGAS, MSSA, LISW, ACSW

HOME:

190 Frostwood Drive  
Cortland, Ohio 44410-1112  
(330) 638-2454

OFFICE:

Specialty Care Counseling Services, Ltd  
Adel-Mar Center  
2000 E. Market Street  
Warren, Ohio 44483  
(330) 399-1221  
(330) 399-1205 Fax

EDUCATION:

Kent State University  
Majors: Psychology and Sociology  
Degree: Bachelor of Science

Kent, Ohio (1968 - 1973)

Case Western Reserve University  
School: School of Applied Social Sciences  
Course of Study: Social Work  
Specialization: Child and Family  
Degree: Master of Science in Social Administration (MSSA)

Cleveland, Ohio (1979-1981)

RELATED WORK EXPERIENCE IN THE FIELD:

Homes for Kids, Inc.  
31 N. Main Street  
Niles, Ohio 44446  
(330) 544-8005  
Administrative Clinical Supervisor  
3/10/00 - 7/31/02

Specialty Care Counseling Services, Inc.  
2657 Niles-Cortland Road, SE  
Warren, Ohio 44484  
(330) 652-9001  
Child/Family Therapist (Part-time Group Private-practice)  
9/99 - 4/01

Individual Private Practice  
1610 Mentor Avenue, Suite 8  
Painesville, Ohio 44077  
(440) 354-0093  
Child/Adult/Family Therapist  
8/84-9/99

VICKY L. KANGAS, MSSA, LISW, ACSW (Cont.)

University Hospitals Healthcare System  
Laurelwood Counseling Centers  
1909 East 101<sup>st</sup> Street, Suite 203  
Cleveland, Ohio 44110  
(216) 421-6276  
Child Therapist  
(4/97 - 7/98)

University Hospitals Healthcare System  
Mentor Counseling Center  
7060 Wayside Drive  
Mentor, Ohio 44060  
Child/Family Therapist  
(12/96 - 4/97)

Point One Behavioral Healthcare Network  
8445 Munson Road  
Mentor, Ohio 44060  
(440) 255-6701  
Program Director of Children Services Department  
(2/86 - 11/96)  
Child Therapist  
(9/81 - 2/86)  
Social Work Intern  
(9/80 - 5/81)

Ashtabula County Children Services Board  
Residential Treatment Center  
3914 C Court  
Ashtabula, Ohio 44004  
(440) 998-1811  
Assistant Treatment Coordinator  
(7/78 - 8/79)  
Youth Counselor  
(6/77 - 7/78)

Fairfax County Department of Social Services  
4041 University Drive  
Fairfax, Virginia 22030  
(703) 938-5300  
House-Parent (County home for emotionally disturbed adolescent boys)  
(7/75 - 9/76)

**PSYCHIATRIC DIAGNOSIS:**

- AXIS I: Major depression, single episode, severe.
- AXIS II: None.
- AXIS III: Including the history of the subclavian clot that she reported.
- AXIS IV: Regarding work stress and limited support.
- AXIS V: GAF at time of evaluation around 50; highest last year around 70.

**RECOMMENDATION AND PLAN:**

1. Medication will be combining Zoloft, starting dose 25 mg. for a week. Increase to 50 mg. for two weeks. Side effects and expectation were discussed. Also Klonopin .5 mg. q.h.s., .25 mg. q a.m. The patient received prescription for one month and one refill. Side effects and expectation from the medicine was discussed.
2. Supportive psychotherapy will be needed to control the symptoms and signs of irritability and edginess.
3. Social and environmental changes. Put her on sick leave for now for a couple of weeks until we see some improvement regarding her level of functioning.
4. The patient will be seen again in two weeks for further treatment.



\_\_\_\_\_  
Ehab Sargious, M.D.

ES/lu  
9/28/02

00273



**FORUM HEALTH  
TRUMBULL MEMORIAL HOSPITAL  
Warren, Ohio**

**CENTER FOR BEHAVIORAL MEDICINE**

PARTIAL HOSPITALIZATION PROGRAM /  
INTENSIVE OUTPATIENT / OUTPATIENT

**INTERDEPARTMENTAL NOTES**

32433666 019711  
 REED, HARRIETTA L  
 SARGIOUS, ENAB L F MD  
 SARGIOUS, ENAB L F MD  
 10/01/02 PSY  
 05/14/1952 50Y F  
 WARREN OH 44481  
 330-824-3308

**CODES:** DR - Physician PSY - Psychologist RI - Recreat. Therapist D - Dietician  
 N - Nursing C/FI - Community/Family AT - Activity Therapist ED - Education  
 C/CC - Counselor MHA - Mental Health Associate SH - Speech & Hearing O - Other

DATE	TIME	CODE	OBSERVATION and NOTES
2/10/02	8 <sup>45</sup> -9 <sup>30</sup>	Psychoed.	See R534. Affirmed effort/cooperation to recover. re-typical struggles to recovery from anxiety + mood sy. Response - Pt. still becomes fearful + tense when seen. She fears returning to work only to likely "break" again. Dad likes re-breaking overwhelming tasks into workable + achievable steps to avoid negative thoughts
	9 <sup>30</sup> -10 <sup>10</sup>	Psychoed	Response - Semi-receptive + cautious to not over schedule self when back to work, yet voices feeling need to work 6 hrs @ 12 each. Dad likes
10 <sup>15</sup> -11		Psychotherapy Group	- see psychologist notes
11-12		Psychoed	- re "unlearning" "I should helplessness" + becoming more gracious to self / trusting sy. Response - Able to tell other pt. to not be so hard on self but shows surprise @ other pt. giving her (Harrietta) praise + affirming strengths. Still "stuck" + overwhelmed. Much of the time Dad likes
12-13		Psychoed	re-allowing self the option of going on sick leave again in future if has too much difficulty coping. Response - Says "If I break down again, I'm not coming back. When clarifying this, pt says she doesn't feel she'd be strong enough." Identified her grandchild as a reason for enjoying life + going on but lacks self confidence. Dad likes

FORUM HEALTH  
TRUMBULL MEMORIAL HOSPITAL  
Warren, Ohio

OUTPATIENT/OBSERVATION  
PRE-OP EVALUATION  
(HISTORY & PHYSICAL)

32433666 019711  
REED, MARIETTA L  
SARGIOUS, EHAB L F MD  
SARGIOUS, EHAB L F MD  
10/01/02 PSY  
05/14/1952 50Y F  
WARREN OH 44481  
330-824-3308

Date: 10/1/02.

(Patient Stamper - Chart Form)

PROCEDURE PHS

INDICATIONS/PRESENT ILLNESS Severe depression - fearful. SI 5 intent (recently sat incision on RR tracks) C/o severe job stress - harassed by male peers / C/o abusive marriage & divorce had been having severe sleep disturbances & anxiety (somewhat - c Rxs)

PAST MEDICAL HISTORY Hx subclavian venous occlusion, C/o mesenteric neck dissection, Hx sinus infections, C/o numbness & tingling of extremities (Plan to change current MD & consider troponin & D-Dimer). Recent mammogram OK, Hx of prostate medical Dr. Youngstrom, strabismic.

ALLERGIES NKA  
NO

MEDICATIONS Zolast. 100mg AM, 50mg PM  
Keonopon 0.5mg HS, 2.5mg AM.

PHYSICAL EXAMINATION BP 106/70 PULSE 64 RESPIRATION 20 TEMP 96.5

MENTAL STATUS \_\_\_\_\_ ABDOMEN \_\_\_\_\_

HEART \_\_\_\_\_ HEENT \_\_\_\_\_

LUNGS \_\_\_\_\_ SKIN \_\_\_\_\_

COMMENTS \_\_\_\_\_

Pre-Procedure Diagnosis \_\_\_\_\_ + Recommend evaluation by anesthesiologist

ASA CLASSIFICATION: I II III IV V E (Circle) \* Requires evaluation by an anesthesiologist

- Class I - A normal/healthy patient
- Class II - A patient with mild systemic disease
- + Class III - A patient with severe systemic disease
- \* Class IV - A patient with severe systemic disease that is a consistent threat to his/her life
- \* Class V - A moribund patient who is not expected to survive 24 hrs with or without an operation
- E - Emergency Case

AIRWAY ASSESSMENT:



Plan for anesthesia \_\_\_\_\_

Immediate pre-induction assessment changed from prior assessment  Yes  No Time \_\_\_\_\_

If Yes, explain: EKG change \_\_\_\_\_ LOC change \_\_\_\_\_ V.S. change \_\_\_\_\_

The risks, benefits and alternatives of sedation/analgesia/procedure have been discussed with the patient or responsible party prior to procedure.

Physician Signature \_\_\_\_\_ Date 10/1/02 Time AM

TO BE COMPLETED FOR CONSCIOUS SEDATION

SPECIALTY CARE COUNSELING SERVICES, LTD.

CLOSING SUMMARY

Name MARIETTA REED Date of Birth 5/14/52  
Date of intake 11/12/02 Date of final session 10/1/03 Closing date 1/12/04

INITIAL DIAGNOSIS:

AXIS I: Clinical Disorders 296.23

AXIS II: Personality Disorders V71.09

AXIS III: General Medical Condition GOOD (SUBCLAVIAN VEIN THROMBOSIS)

AXIS IV: Psychosocial & Environmental Problems FINANCIAL PROBLEMS,  
DEPRESSION HAS LESSENED SOCIAL LIFE

Global Assessment of Functioning Scale 56

Reason for treatment: DEPRESSION AND ANXIETY, RUMINATING RE, FEEL

Significant findings: WAS TREATED VERY BADLY BY SOME WORTHLES

CO-WORKERS AND COULDN'T TAKE IT ANYMORE = EMOTIONAL  
SHUTDOWN, MAJOR DEPRESSION

Procedures performed: INDIVIDUAL OUT-PATIENT PSYCHOTHERAPY

Treatment rendered: ↑

Needs assessment: discharge resolution of client's problems: MUCH IMPROVED, BACK  
TO WORK

Medication Compliance: (DR. EHAB SARGIOUS PRESCRIBED)  
 Used as prescribed     Abused/Misused     Self-medicated  
 No medication prescribed     Refused to take medication

**CHURCHILL COUNSELING SERVICES**  
Progress Note

Client Name Marietta Reed Case # 279-50-6905  
 Date of Service 9-7-02 Start Time 2:00pm End Time 3:00pm Total Minutes 60  
 Type of Session  Diag.  Ind.  Fam.  Group  Other \_\_\_\_\_  
 Location of Session office Present in Session cl.

**MENTAL STATUS** (Check one)  Improved  Same  Deteriorated\*  Deferred  
 \*Explain further in PROVIDER'S REMARKS  
 Current GAF 55 Previous Session GAF 55  Deferred

**APPOINTMENT STATUS** (Check one)  Seen  Canceled  No Show  Rescheduled

TREATMENT PLAN GOALS/OBJECTIVES ADDRESSED		PROGRESS (Check one)				
Goal # <u>1</u>	Objective # <u>a</u>	<input type="checkbox"/> NA	<input type="checkbox"/> None	<input checked="" type="checkbox"/> Minimal	<input type="checkbox"/> Moderate	<input type="checkbox"/> Substantial
Goal # <u>1</u>	Objective # <u>b</u>	<input type="checkbox"/> NA	<input type="checkbox"/> None	<input checked="" type="checkbox"/> Minimal	<input type="checkbox"/> Moderate	<input type="checkbox"/> Substantial
Goal # _____	Objective # _____	<input type="checkbox"/> NA	<input type="checkbox"/> None	<input type="checkbox"/> Minimal	<input type="checkbox"/> Moderate	<input type="checkbox"/> Substantial

**EMERGENT ISSUES PRESENTED** (Check box if none )

ISP completion

**PROVIDER'S REMARKS:** Brief description of session describing general activities, therapeutic interventions, and client's behavior/response.

S: Cl. c/o ↑ stress & ↑ tension, dreading work, diarrhea, crying, ↑ rage & feeling victimized and harassed by her male co-workers. Cl. also c/o nightmares & ↓ sleep.

A: Cl. appeared upset and tearful.

D: Supported cl. and discussed her <sup>work</sup> progress goals for Tx and her ISP was completed. Helped cl. vent and discussed ways to manage her symptoms. Advised cl. to contact her family MD for meds Tx. Cl. was agreeable. She also was agreeable to keep herself safe & call P.D.W.

P: Follow Tx plan & ret in 1 week.

PROVIDER/CREDENTIALS Rita Bennett MSEd, LPCC Date 9-7-02  
 SUPERVISOR (if applicable) \_\_\_\_\_ Date \_\_\_\_\_

FORUM HEALTH  
 TRUMBULL MEMORIAL HOSPITAL  
 Warren, Ohio

CENTER FOR BEHAVIORAL MEDICINE

PARTIAL HOSPITALIZATION PROGRAM /  
 INTENSIVE OUTPATIENT / OUTPATIENT

COMPREHENSIVE DIAGNOSTIC ASSESSMENT

*Marietta Reed*

02096

32433666  
 REED, MARIETTA L  
 SARGIOUS, EHAB L F MD  
 SARGIOUS, EHAB L F MD  
 (Patient Stamp) APR 1 1992

MENTAL STATUS					
	NOT IMP	MILD	MOD	SEVERE	NO ASSESS
Date: 3/30/02					
Orientation	✓				
Concentration		✓			
Memory (Long Term)	✓				
Memory (Short Term)		✓			
Reasoning/Judgement			✓		
Awareness of Consequences			✓		
Motor Activity			✓		
Appetite			✓		
Personal Hygiene	✓				
Social Relations			✓		
Family Relations			✓		
	NONE	MILD	MOD	SIGNIF	NO ASSESS
Depression				✓	
Anxiety				✓	
Agitation				✓	
Withdrawal				✓	
Dependence			✓		
Paranoid				✓	
Manic				✓	
Compulsivity			✓		
Somatic Symptoms			✓		
Developmental Deficiencies	✓				
	MR	BELOW AVG	AVG	ABOVE AVG	NOT ASSESS
Estimated IQ			✓		
	POSITIVE	PASSIVE COOP	UNCOOPERATIVE	CHALLENGING	
Level of Cooperation	✓				
Recommendations: (Document if plans)	<i>Pt. encouraged to make appt (soon) c/MD</i>				
Signature	<i>Joyce Dukakis</i>				00768

330-824-3308 OH 44481

*\*\* Impulsivity spending (self med. type)*

*\* Re-recently sat on RR track*

*✓ c/o slowing/withdrawing*

*✓ less impaired c/med's*

*✓ often forgets to eat*

*withdrawn / much job conflict*

*✓ by divorce / abusive marriage*

*(Pt says) (was severe a Pt's)*

*✓ \* thoughts of death but denied intent*

*✓ (yet repressed it)*

*✓ has spent 4d/bed*

*Denies*

*\*\**

**FORUM HEALTH  
TRUMBULL MEMORIAL HOSPITAL**  
Warren, Ohio

**CENTER FOR BEHAVIORAL MEDICINE**

PARTIAL HOSPITALIZATION PROGRAM /  
INTENSIVE OUTPATIENT / OUTPATIENT

**GOAL ORIENTED TREATMENT PLAN**

32433666 019711  
REED, MARIETTA L  
SARGIOUS, EHAB L F MD  
SARGIOUS, EHAB L F MD  
10/01/02 PSY  
05/14/1952 507 F  
WARREN OH 44481  
330-824-3308

GOAL #	PATIENT'S GOALS & OBJECTIVES	INTERVENTIONS	OPTX	PROVIDER
10/1/02	Stable mood & destructiveness	monitor, support, educate.	9 TX day 0 + Per	A. Dade RNC P. Dade RNC
	Understand diagnosis, treatment, meds, discharge plans.	(See also R534 & green ed. sheet) C listings for handbook Info-mat. & target (Stress mgt) met	(see also R534)	A. Wolkstein PhD O. Tamkino Lpc B. Coffey LSW
	Adequate thought processing + perception.	Psycho ed group and 1:1	8 <sup>45</sup> -9 <sup>30</sup> A 9 <sup>30</sup> -10 <sup>15</sup> A 10 <sup>15</sup> -11 A	
	Adequate stress management.	psychotherapy group and 1:1	11-12 p	
	- job stress mgt - destructiveness - # mgt.	✓ Manage It. Series (job stress mgt.) (See handbook) pkts also	(Plus 8-8 <sup>45</sup> + 10-12-12 <sup>45</sup> 0-12 <sup>30</sup> -11 <sup>15</sup> )	

= New goal      1 = Best      2 = Worst

00772

#279-50-6095<sup>6905</sup>

MANAGED CARE CONTRACTS

GM-ValuOpt's

BCBS ICF

DATE*	NOTES
9-30-02	Veronica at benefits 1-800-235-2302 states PHP comes out of mpt (45 days per yr & 60 day window). PHP paid at 100%, precent is required. TOP to combined & out pt up to 35 visits per yr. Visits 1-20 at 100% copay. 21 <sup>error</sup> 35 paid at 75%, pt has a 25% copay. Precent 5' required. <span style="float: right;">Dudman</span>
10-1-02	✓ Reg. PHP x 6d. 11 <sup>40A</sup> (Terry Comtwa) I Maj Dep, Single Epis Severe depression ↑ (thoughts "I can't go on") II deferred, Sev (fearful) ↓ confidence (ashamed/feels) III Hx of subclavian insomnia, week) IV venous occlusion heel spurts/migraines V job stress, stress <sup>insurance</sup> 41
see RS34	
1) 10/1	
2) 10/2	
3) 10/3	
4) 10/4	
5) 10/7	
Approved 6 PHP days / ✓ call back 10/8. <span style="float: right;">Rx: Y Klonopin 0.5mg 18 + 0.25mg AA Zoloff 100mg 50mg</span>	
6) 10/8	I called + left v.m. for Terry Comtwa re-need = sleep & talk 7/10/99
7) 10/9	(1. 800. 235. 2302) Terry Comtwa
8) Opt. 3.	Sleep just a bit better. (Energy a bit better) Couldn't tolerate
2) 10/10	Zoloff 100mg bid (Still on Zoloff 100mg (50mg-bid) + .5mg tid
9) 10/11	a bit > trusting, < fearful today a bit < neg. but still
10) 10/14	has episodes of feeling hopeless, <sup>at future retirement</sup> fleeting s.t. s'pla
Sinent. Still has difficulty relaxing. Still limited support system. (Yesterday had ↑ PTSD w/ ↑ tension, ↓ self confidence, fear/anger/confusion) when faced & see Terry Comtwa ok & 4 > PHP days. <span style="float: right;">Mbm (off) Dede</span>	
5) 10/15	Request 6 > PHP days 10/15 10/16 10/17 10/18 10/21 10/23
St suicide risk	(Ideation) 5 plan intent/fearful/angry & self-harm (10/24 - Dr Angotact 10/15 Dr Ricotti)
Anxiety	(admits Comtwa on 15 d back to work, etc) job - fearful <sup>able to handle B/not</sup>
Still needs	> Zoloff adjustment (can't do 200mg/d - <sup>side effects</sup> would try 25mg qd)

**FORUM HEALTH  
TRUMBULL MEMORIAL HOSPITAL**  
Warren, Ohio

**CENTER FOR BEHAVIORAL MEDICINE**

PARTIAL HOSPITALIZATION PROGRAM /  
INTENSIVE OUTPATIENT / OUTPATIENT

**INTERDEPARTMENTAL NOTES**

32433066 019711  
 REED, MARIETTA L  
 SARGIOUS, ENAB L F MD  
 SARGIOUS, ENAB L F MD  
 10/01/02 PSY  
 05/14/1952 50Y F  
 WARREN OH 44461  
 330-824-3308

**CODES:** DR - Physician PSY - Psychologist RI - Recreat. Therapist D - Dietician  
 N - Nursing C/FI - Community/Family AT - Activity Therapist ED - Education  
 C/CC - Counselor MHA - Mental Health Associate SH - Speech & Hearing O - Other

DATE	TIME	CODE	OBSERVATION and NOTES
2/10/02	8 <sup>45</sup> -9 <sup>30</sup>	Psychoed	See R534. Affirmed effort/cooperation to recover. re-typical struggles to recover from anxiety + mood pt. Response - Pt. still becomes fearful & tense when says she fears returning to work only to likely "break" again. Dad likes
	9 <sup>30</sup> -10 <sup>10</sup>	Psychoed	re-breaking overwhelming tasks into workable & achievable steps to avoid negative thoughts Response - Semi-receptive & cautious to not over schedule self when back to work, yet voices feeling need to work 6d/wk @ 12 each. Dad likes
	10 <sup>15</sup> -11	Psychotherapy Group	- see psychologist notes
	11-12	Psychoed	re-"unlearning" "learned helplessness" & becoming more gracious to self / trusting self. Response - Able to tell other pt. to not be so hard on self but shows surprise @ other pt. giving her (Marietta) praise & affirming remarks. Still "stuck" & overwhelmed. Much of the time Dad likes
	12-12 <sup>45</sup>	Psychoed	re-allowing self the option of going on sick leave again in future if has too much difficulty coping. Response - Says if I break down again, I'm not coming back. (When clarifying this, pt. says she doesn't feel she'd be strong enough.) Identified her grandchild as a reason for embracing life & going on but lacks self-confidence. Dad likes

FORUM HEALTH  
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INTERDEPARTMENTAL NOTES

32433666 019711  
REED, MARIETTA L  
SARGIOUS, EHAB L F MD  
SARGIOUS, EHAB L F MD  
10/01/02 PSY  
05/14/1952 SOY F  
MARLB  
330-824-3308 OH 44481

CODES: DR - Physician PSY - Psychologist RI - Recreat. Therapist D - Dietician  
N - Nursing C/FI - Community/Family AT - Activity Therapist ED - Education  
C/CC - Counselor MHA - Mental Health Associate SH - Speech & Hearing O - Other

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	9 <sup>30</sup> -10 <sup>15</sup>	Psychoed	re-breaking overwhelming tasks into workable + achievable steps to avoid negative thoughts. Response - Semi-receptive + cautious to not over schedule self when back to work, yet voices feeling need to work 6 hrs @ 13 each. Dad does
	10 <sup>15</sup> -11	Psychotherapy Group	- see psychologist notes
	11-12	Psychoed	re-learning "valued helpfulness" + becoming more gracious to self / trusting self. Response - Able to tell other pt. to let be should on self but shows surprise @ other pt. giving her (Marietta) praise + affirming remarks. She "stuck" + overwhelmed much of the time. Dad does
	12-12 <sup>45</sup>	Psychoed	re-allowing self the option of going on sick leave again in future if she has too much difficulty coping. Response - Says "If I break down again I'm not coming back. (When clarifying this, pt says she doesn't feel she'd be strong enough.) Identified her grandchild as a reason for embracing life + going on but lacks selfconfidence. Dad does

Harry Johnson : was the EEOC in plant rep for the UAW. Harry was in several of the meetings with Gerald Butler and had inside information about what was going on.

Tommy Davis : The UAW rep assigned to the TWC unit. Tommy made statements about the real reasons for my removal from the trades.

1-18-06

Mule is now a pm – washed and waiting for parts.

Harry Johnson Tim Mohnney and Yolanda came to the shop around 2:30 - that conversation on separate sheet.

1-19-06

I reported to TWC at 7:00 am – Tommy Davis said he couldn't believe management was being this stupid. Tommy said Butler and Hackett wanted to put me out on sick leave – but Tommy told them and showed them by contract they could not do that – so they told him they were putting me over here. Tommy said everyone (Union) is thrilled with this result – Tommy said it's a great deal for the trades because of the overtime. At approximately 10:20 Yolanda King came to see me. I was walking on the treadmill for exercise.

Yolanda said she had tried to contact Jerry Butler about the information we discussed yesterday – she said she had talked to her supervisor – and “Yes” I could work the overtime “after TWC” said she would continue to talk to Jerry Butler about my situation.

At lunchtime, I was out in the main lobby talking with M.C. and we were discussing my being in TWC – he said he could hardly believe mgmt. would be so stupid. Harry Johnson was walking by and I asked him to join the conversation – Harry was telling M.C. “yeah, it's true – I can't believe they did it, but they did.” Then Harry said to me “you know, when you were telling me that Butler had it in for you, I was skeptical – after he pulled this one just to get at you – well I have to agree you were right.”

I saw Randy Cramer in the cafeteria and asked him for a new coat – I explained that mine had been stolen from the cabinet – He agreed to get me a coat and asked my size. I told him that Billy Dunfee also needed a coat. He said he would take care of it.

At approximately 1:23 Yolanda King came to TWC again – She asked if I wanted to work on Saturday, and I answered “no”

1-20-06

reported to TWC – the foreman Tracey came to bring my check – we talked about past problems and I told him how I came to be on assignment only. He told me “they” call him every day to ask what I am doing. He said he told them he has no problem with me – he told them I do everything he has asked me to do right away – and that he had no complaints about my work.

I told him I have always been a good worker and done exactly as told to do while on assignment only- I explained how I had to sit for weeks at a time with no assignment.

1-23-06

At approx. 2:10 Tommy came back to TWC and said "I don't know what this Butler is trying to prove." He said "I hate this place"

I asked Tommy "why"

Tommy replied, "The politics involved - trying to protect people from getting hurt - and the Doctors here do whatever GM tells them to. What about their oath - I've even asked them" - "what about your oath doesn't that mean anything to you?"

*COPY \**  
Tommy was visibly upset - he said Jerry Butler wants to remove you from truck repair and send you to unskilled maintenance. Tommy said he told him he can't do that "that's not the flow chart - But he is doing his best to get you deferred. I don't see where they have a leg to stand on because you've been doing that job out there for over 7 years now and nothing significant has changed."

Tommy said they expected him to find me a job outside the trades, but he said he won't do that.

1-24-06

10:10 am Terry Straten came to TWC to tell me that I had been deferred from the skilled trades and I was no in production. I will be removed from the trades and placed on the line replacing the youngest person in the plant whom my restrictions fit. I asked for a committee call.

\* ( Tommy was there and suggested I go voluntarily into Adapt - or I would have to go out on sick leave

( I saw Terry Volland he said he was working on it he said he would get Harry involved. Terry said this was a "personal vendetta from Jerry Butler" Terry said we would write grievances.

( I saw Harry Johnson around 2:00 and he said he would come to see me tomorrow - he said he knew nothing about what happened - but that he would get with Terry and be filled in on the details Harry said this was a "personal vendetta from Jerry Butler"

1-26-06

( I saw Terry in the main lobby and we went to the cafeteria to write grievances. Terry said he went to LR - but the reps told him "the door is closed on this case" no discussion per order of Jerry Butler. I told Terry Butler was pissed about the letter to Detroit. I asked Terry for a copy of the reasons they were giving me for throwing me out of the trades

( Terry said, "not just that, he is furious about the eeoc charges."

Terry Voland : The UAW committeeman for the skilled trades. Terry was also at many meetings with Gerald Butler and knew what Mr. Butler said and how he felt about me personally. Terry had knowledge of Mr. Butlers motives for removing me from the skilled trades.

Brandon Michaels : The UAW zone committeeman for the skilled trades. Brandon was in meetings with Gerald Butler and was privy to comments Mr. Butler made and had knowledge of Mr. Butlers motives for removing me from the skilled trades.

I asked Terry how can one man make this happen?

Terry said if I drop my restrictions they "might" change their minds.

I saw Harry Johnson and called out his name – he looked at me and took off quickly and turned the corner

I saw Brandon in the lobby – he came to me took my hand and said, "we will not let this happen – It's just wrong! This is nothing but a personal vendetta and it ain't gonna happen."

1-27-06

I was walking to TWC and a sweeper came up to me to tell me about this man named Chris? He was placed into non-skilled maintenance from the line because his restrictions were such that he could no longer do his line job. He was a dingman – management asked the sweepers if they would help to carry this guy and do his job for him because he could not – he can not bend, can not reach, can not wear a mask, can not drive, can not do much of anything – The sweeper said this Chris was moved to NSM and then received a huge settlement of back pay for the year of 12 hour days – even though he was not part of the department at that time. He will get back to me with the name.

I checked with the safety guy, T.S. and he told me the lift was not inspected – as a matter of fact, Bruce told me that the lift was left sitting exactly as I left it. No one completed the job of putting it together, so much for the -safety coming down today.

1-28-06

Friday hard day, took meds to calm down very weepy. Locker room with Judy to say prayer

1-30-06

Came to TWC – saw Marshall Coney out in the aisle- he said "today's the day, hunh?" I said what? He said "you go to the line" I said I hadn't heard yet. He said "oh, I don't know either"

9:40 am say Terry in the lobby he said Ben was in a meeting with plant manager on Friday trying to solve the issue. Saw Ben at around 10:00 am he said he was hopeful this could be resolved said "hang in there, I'm working on it"

Saw safety rep in the main lobby the lift I was asked to build and have inspected has not been inspected yet. Checked with Bruce – he said the lift is sitting just like it was the day I was working on it. No one has completed the assignment I thought it was to be inspected asap.

2:06 saw Terry and Brandon in the lobby I asked Terry to get me a copy of the reasons I was disqualified. He said he went to ask Yolanda – Yolanda said she gave it to him already and Terry said she did not. He said he will get the paper tomorrow

(as of 2-23-06 I still have no paper) Saw Brandon in the lobby he asked me how much of the work in truck repair I could still do; wanted to know if there was enough work to keep me there. I said Yes. He said they are getting rid of 50% of the scooters and a percentage of other vehicles to show there was not enough work for me to do – an after the fact plan to show it was not personal. I said I didn't really know the percentage, but that there was enough work for me to do there never was 50% of the scooters in the shop at one time any way.

2-02-06 off baby in the hospital

2-03-06

report to TWC off to suggestions to file paperwork Brandon that Ben talked to the plant manager but no decision will be made until Jerry Butler returns he is out of town. Brandon said the plant manager is ok to bring me back to truck repair but Jerry Butler "has the final say"

2-06-06

TWC

2-08-06

TWC Terry said there was an offer, he will talk to me later

2-09-06

7:30 saw Kevin and Gary O. on truck said they heard I was coming back to the shop. Kevin said Tom (2) said Terry was out in the shop asking the men if it was ok with them for me to come back. Kevin said the men on second were fine with that and that Partiek on second, Pete and Titus on third, were the only ones with problem with it. I have not been told anything yet.

2-15-06

Jim Graham said Brandon and Terry are working hard to get me back – let them do it

2-16-06

8:40 am Ben told me he wanted to talk to me later

Ben's office for meeting with Harry Johnson, Tommy Davis, Darwin Cooper Ben and me

John Schuller and Bill Dunfee : Truck repairmen who informed me that management assigned him and Bill to hide scooters which would later be returned to the department.

2-17-06

Meeting in Ben's office with Harry Johnson – talked about managements offer Ben said he wanted to sit with Butler and have me give testimony

2-20-06

TWC

2-21-06

Saw Bruce at lunch. He said they are now trying to make him sign old pm sheets. Bruce does not sign pm sheets, however, he has never been disciplined for it – only I have been Bruce told them he doesn't sign pm sheets

Meeting in Butler's office 1:00

2-22-06

Off kidney stone

2-23-06

TWC I told Tommy about test tomorrow. Tom said they wanted to have a meeting with Ben and I in Butler's office to make decision- but Ben will be out of the plant.

I went to the shop to pick up my work boots and socks, John said he and Billy were assigned yesterday to "hide 8 scooters in the trailer" He said the foreman told him and Billy the scooters would be returned according to Randy (from the new foreman) but for now, they were to be hidden.

2-24-06

I saw Terry in the am asked him if the union agreed that I could not do my work in truck repair as Butler stated in the meeting. Terry said "no, not true, as a matter of fact we said just the opposite."

Leaving early today to hospital for test and Dr. appt. Saw Harry Johnson at approx. 9:00 am he said management wanted me to sign some papers. Fill out what items I thought I could do in truck repair. I asked Harry if Terry was aware or had seen the papers. Harry said no. I asked Harry if Ben had seen the papers or was aware of the. Harry again said no. I told Harry I did not want to fill out any papers until the committeeman or Ben saw them and approved.

George Marble: Committeeman for the third shift skilled trades.

2-25/2-26-06 off

2-27-06

Meetings all day; management had me look at papers to say exactly what I could and could not do in shop. Terry and management differed strongly on what was necessary and what was not. – all is documented

2-28-06

I was talking with the committeeman from midnight shift for the trades. He told me that management mandated for the third shift – do not repair p.m.s, set them in the tunnel for other shifts.

12:06 In the cafeteria I was sitting with Bruce and talking. Jim Hackett – head of LR was talking loudly and said “Fucking Bullshit” I turned to tell him that was not nice language. He sniped at me that I should not be “eavesdropping” on his conversation. I told him I certainly was not eavesdropping. I suggested he should not talk so loudly when he was using foul language. He again said I should not be eaves dropping. I saw Terry, and he told me he would contact Harry.

3-03-06

I saw Harry in the cafeteria and asked him to come and see me. He came to TWC and we discussed the issue with Jim Hackett.

3-04-06

Ben Terry and I discussed the papers management had drawn up. I had issues with two of the papers, Terry took one of them to management and had it re-written. When we went to LR I had issue with the paper about the EEOC claim. Yolanda said I will have my new assignment on Monday.

B  
Harry said, "Well, right now, from my perspective, they're gonna' have a lot of explanations to explain an... I really don't think they can legitimize by what they've done. And, actually, they've totally destroyed the entire practice - they have treated you *definitely different than any person ever in the system*. So, like I say, from that perspective, ... right, they can't justify what they've done. I've never seen a person go to TWC, and then work overtime - that's a first."

I answered, "Well, Bruce said, if nothing else, you've created a lot of... what do you call it... when it's the first time ever and you... precedent setting... or something... I don't know... he said a lot of precedents or something."

Harry interrupted, "Well, you did. ahhh. I don't know how you can say in one breath a person unable to do the job... so you put them in TWC for straight time, but you send them to the job for overtime. It's just none of it... makes any type of rational sense at all. Like I say, I'm not in their position, so I don't know what's going through his mind, but, to me - that was awful stupid."

Harry and I had discussion about a letter I had written to Detroit.

A  
Harry commented, "The way you've been treated, Nobody has been treated that bad, not at this facility, and I've been here almost 40 years... so, like I said it's a first... It is a first. So, it's gonna' be interesting, it's gonna' be interesting....."

We discussed the fact that Ben had met with the plant manager and discussed finding me a job on the line. Harry felt that would take a couple of weeks.

Harry continued, "I know right now, you're the main focus, but, I don't know if there's anybody else, you know.."

I said, "Of all the persons who don't like notoriety, I've sure had my share."

Harry commented, "well, no question about that. Well, you've got to understand, what has occurred to you has never occurred to anyone else. So you can't help but... like I said, I've never seen anybody in TWC - I remember when the first - the first program first started - and my understanding at that time was that a person worked only 40 hours period. We eventually were successful in getting management to agree that if production is running, then that individual could work the production line time, so if they had Saturdays available for production, then the employee could at least work that, but that was it. *Nobody ever worked individual overtime.*"

I responded, "I know, well, they, well..originally I wasn't..umm.. going to work the overtime, but the union needed this one kind of on record."

Harry said, "Because that's never happened before, that's the only reason... that's never happened before -and we've had people in the program that had individual available overtime for them, but management would not ..."

Harry said, "Well, like I say you're a first so I wish I had all the answers for you, but I don't because I am totally baffled that they took the position that they took, so..and I'm quite sure there are other people who think the same way I think."

I said, "Well, it's still pretty, everyone's of the same mindset really"

Harry continued, "I don't know where we're heading with this, and, in terms of disqualifying you, I don't know whether they've actually tried, like I said you can't work on some of the heavier equipment; I'm saying you can, you may have to have hoists available to you, but that's probably true with some of the men, so"

I answered, "Yeah"

Harry continued, "Once again, I don't know where they're coming from."

I said, "The new guy, when he come and brought me my check, he told me he said 'they call me every day..' and this was before I got ripped out of the trades, ok he said, 'they call me every day and ask me what my problems are with you' he said, 'I told them I don't have any she does exactly what I ask her to do and she's the first one on, you know if I give her an assignment, she's on it... and they weren't happy with that' And I think, (I laughed) ok, "

Harry said, "Unbelievable....Unbelievable, well like I say,"

Harry and I conversed about some other woman in the plant, and some other issues.

I stood up to leave Harry's office, I was telling Harry what Terry had informed me, I said, "Terry said he went there, and they told him that labor was closed, the doors were closed and they weren't even allowed to discuss it."

Harry said, "That's a fact... that's a fact."

I said, "Like I said, it's beyond me that with all the rules, and shop rules, you've got to do this and, this is right, and that's the path you have to take, how does one man say, forget all the rules, because I'm a king, and I'm going that direction?"

Harry answered, "Well, I don't know where he got his calling from, but we've got to deal with it."

I said, "Well, he's the one I'm having a tough time saying prayers for."

Harry said, "Pray for him too."

I answered, "You've gotta' pray for your enemies, you have to."

Harry said, "He probably needs it more than anybody else."

FOREMAN'S RATING AT TIME OF RELEASE

Employee's Name M. GARRETTSON

Date 10-28-79

Emp. Sec. Number 279-50-6905

Badge Number \_\_\_\_\_

	Above Average	Average	Below Average	Unsatisfactory
Quality of Work	X			
Quantity of Work	X			
Dependability	X			
Attendance	X			
Cooperation	X			
Safety and Good Housekeeping		X		

Do you recommend this man for rehire in your department? Yes X No \_\_\_\_\_

If not, give reason: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Foreman *[Signature]*

Superintendent *[Signature]*

Tool Clearance: X YES \_\_\_\_\_ NO

Lock & Key Clearance: X YES \_\_\_\_\_ NO

## TRUCK REPAIR -- GAS & ELECTRIC

### CLASSIFICATION GUIDELINES

1. Maintain and make all repairs on electric, internal combustion engines in combination gas or diesel powered industrial trucks, heavy equipment, lawn mowers, scarifiers, fire trucks, ambulances, Personnel carriers, motor bikes, bicycles, tri-cycles, tractors and accessories and attachments, powered sweepers, powered floor scrubber, jitneys, and truck-type vehicles 1/4 ton and over, such as pick-up trucks, vans and dump trucks, and self-propelled yard cranes, Portable gas driven welders, air compressors (Portable gas driven), water pump, battery jumping devices final process vehicles, owned and/or operated by NAO Lordstown.
2. Disassemble, repair and completely rebuild <sup>most</sup> all units of the equipment including motors, hydraulic mechanism, electrical equipment and hoisting mechanisms. Exception: generator starter generator.
3. All preventative maintenance service inspections on all equipment maintained by this classification will be assigned to Truck Repair. All preventative service inspections and repairs will be performed according to manufacturer's specifications. 80-9090
4. Operates necessary power tools such as floor stand drill press, hydraulic press or cut off saw needed to perform his work.
5. Maintenance, repair of industrial type batteries maintained by this classification.
6. Remove and install all accessories such as hand rails, seats, lights, bumpers, etc., on all equipment maintained by this classification, for the purpose of painting the equipment or installation on new equipment.
7. The installation on Final Process and Tri-Level Vehicles of special equipment such as: compressors, special bumpers, warning lights, etc., will be assigned Truck Repair. The normal maintenance and repair will be done by Final Process employees.

## Job Instruction

Battery Room: Inspect batteries for damaged lid pins, water level, battery casing damage, plug, and cable damage.

Repair lid pins as required

Replace/repair cables and plugs as required

Add/adjust battery water level as required

Rinse contaminants from batteries, battery tables, and containment areas as required

Start/Stop air actuated sump pumps

Attach batteries to charging units and charge

Upon completion of charge disconnect charger and flag charged battery

Log repairs required for chargers on legal pad located on gray storage locker

Inspect hoist prior to shift start

1/2 - As mobile equipment requires change batteries

As required repair/replace batteries in battery packs

Write repair tag and complete minor mobile equipment repairs

Turn repair tags in to collection box

FORK Trucks - No

Scoters - yes

flatbeds - yes

Can do all jobs in this job instruction  
except 1/2 batteries - those for lift  
trucks.

This was the offer from General Motors allowing me to return to the skilled trades. However, my committeeman warned me that this return would not be permanent.

①  
G.M's First offer

Statement of Release:

I have read the above grievance settlement (Grievance Settlement), understand it, and agree to its terms. By my signature, I am releasing GM (including its current and former employees, officers and directors) and the United Auto Workers (UAW) from any and all claims relating to my removal from Truck Repair including Charge Number B3012606 (30794) 01206 filed with the Ohio Civil Rights Commission, and my grievances. By my signature, I am agreeing to this settlement, releasing GM and the UAW from any claims or liability.

Ms. Reed is further advised that the Equal Employment Opportunity Commission (EEOC) and the State of Ohio protects an employee's rights to file a complaint against her employer. Ms. Reed has been advised that it is unlawful for any person to threaten, intimate, or harass her because of her filing of a complaint. Ms. Reed herein attests that she has not been coerced into requesting a withdrawal. Ms. Reed requests the withdrawal of the charge against GM because of the grievance settlement on the issue at the local level.

\_\_\_\_\_  
Marietta Reed

\_\_\_\_\_  
Date

MARIETTA L. REED  
330-824-3308  
employer: G.M.

RECEIVED  
MAR 8 2006  
O.C.R.C.AKRON

1

### Grievance Settlement

The following grievances are considered resolved as noted below without prejudice or precedent to either parties position, and are not to be discussed by either party in the future regarding any other situation:

Employee Grievance Numbers 15739D, 15738D, 15740D and 21947D are satisfactorily resolved on the basis that Employee Marietta Reed, SS# 279-50-6905 will be returned to Truck Repair on the basis of a Special Agreement between Ms. Reed, Management and the Union without back pay.

This offer is conditioned upon Employee Reed's agreement, and execution of attached release.

Representing Management:

Representing Local #1112, UAW

\_\_\_\_\_

\_\_\_\_\_

It is understood that Employee, Marietta Reed has read and has had explained to her this entire grievance settlement, as attested by her signature.

\_\_\_\_\_  
Marietta Reed

To Whom It May Concern:

I have worked at General Motors for 28 years. I have endured a hostile work environment on and off throughout the years. I can remember the first day I came in, the foreman was walking us new-hires through the plant, and a man yelled out to me something about me sitting on his face. I was shocked. At the age of 20, I thought adult men were adults, like my father. Wrong. Anyway, he was not told that was wrong, it was just ignored by my foreman. Not much has changed since then. When something big happens, like a lawsuit, management will show a movie, (like 10 years ago), or put out the word that sexual harassment will not be tolerated. I have been to that movie, it is taken as a joke and the guys make fun of it when they leave.

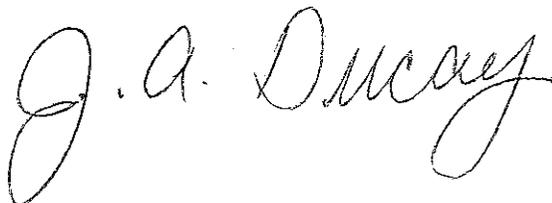
As a parent, I tell my children what the rules are, and when they break them, there is a consequence. If there were no consequence, why would they follow the rules? That is the problem here. I have known many women, like myself, who have tolerated terrible situations in here. I do not know of even one person who was ever disciplined or even reprimanded for unacceptable behavior.

When I first came into skilled trades I had a supervisor tell me I should stay home with my children, that he would never let his wife work, and he worked two jobs so she could stay home with the kids. I was younger and more naïve, instead of being angry at what he said, I felt sad and hurt, like I was a bad mother. If that happened to me today, I would tell him to keep his opinion to himself, as I did not ask for it.

Years later, a few people decided it would be fun to write nasty things about me in the elevator and men's rooms. At first I handled it well, but slowly it ate away at me. It continued for a year and a half. Everyday I rode to work, wondering what would be there that day. I went to management, they took pictures, and my foreman told my fellow workers they should stop. It did not stop. My tool box was destroyed, written on, things put inside the crack of the door. Rumors were spread. I was a wreck. I called the union and management, several times, I asked them to put a hidden camera in the elevator, to find out who was writing in there. With security cameras in many other places, why not one there? They would not do it. This is why I feel they were making a show of trying to do something, but they were all talk. No one was ever caught or disciplined, although I know quite a few people know who was doing these things. How did it end? I had an opportunity to work outside of the plant, and I got away for a while. After a year and a half I came back. My name was in the elevator again. Eventually it just ended. I do not know why.

Many women in the plant have similar stories, their lockers have been urinated in, their names put on cartoons and bulletin boards, etc. This is not the kind of harassment you see in movies, where the boss want a sexual favor from his secretary, this is much crueler and cold hearted.

**Printing rules is not enough, they have to be enforced.**

A handwritten signature in cursive script that reads "J. A. Duncay". The signature is written in dark ink on a white background.

3/28/00

To whom it may concern:

I, Harold Starghill have been a fellow worker at General Motors with Mary Reed for ten years in the maintenance department of the Lordstown Plant. I have been aware of the derogatory comments and statements by some of her male co-workers, which I have found to be very offensive and degrading for any female worker to have to be subject too. I have not witness these comments or statements in her presence, but have heard them speak among themselves in my presence.

Sincerely,

A handwritten signature in cursive script that reads "Harold L. Starghill". The signature is written in dark ink and is positioned above the printed name.

Harold L. Starghill

00503

Subj:	Caring and Concerned
Date:	10/03/2002 6:38:46 PM Eastern Daylight Time
From:	MYencik
To:	Goldenis2u

***I certainly would welcome your call and the number at work is: (330) 824-7538 and my hpme phone is: (330) 549-2859. I talked to Bruce today and we both feel badly about you being unjustly victimized by your co-workers. It's really a shame that they can't see you for what you really are...a kind, lovable, caring and compassionate, sweet-hearted lady. I personally give you a salute for being a pioneer in the Skilled Trades. That... in itself... is something that no one can take away from you...ever! You have my utmost respect and you can count on me for the support you may need in the future. If there is anything that I can do to help you through this difficult time...Please let me know!!***

***As Ever,  
Milan***

00517

**July 18, 2005**

**To Whom It May Concern:**

**I have known Mary Reed for over 20 years and have previously worked with her for five of those years.**

**Mary did her job and never complained. No matter how hard the job was, she always did it and did it correctly. Mary always has a good attitude and a pleasant personality. She always has a smile and a hello for everyone she meets.**

**She is willing to help out whenever or wherever asked. She helps others do there job, and if new people need help, she is always there for them, too.**

**The last few years have been very stressful for Mary, but she is a strong person and willing to fight for what she believes in.**

**Sincerely,**

**Gene Puntel**

Copy

For some months now, the atmosphere in the Truck Repair area has been very unfavorable toward Mary Reed (Marietta Reed). People have disagreements once in a while, but they are usually resolved. That is not the case here. Since the time she was taken out of the battery room, most of the repairmen have resented her.

Their language in relationship to her, I have witnessed, to be very evil, distasteful, cruel, ungentlemanly, and mean. The language and attitude toward her in this group is very dangerous. I feel management has allowed this to go on way too long. They (management) heard these comments and have not done anything to discourage it, until now.

When ever anyone has helped her, either by lifting something, or aligning something, or pushing something, or giving aid in any way; they have been told "That's her job, don't be helping her!"

I have heard talk that even endangers her life! I know that sometimes people are on different medications. Maybe something could result from missing or taking medications wrong, of this I'm not sure. But this has to be stopped altogether.

  
Jack Darney, Laborer

00502

EMPLOYEE GRIEVANCE No. 15740D

Dept. 40 Date 1/25/06 Time 10<sup>39</sup> A.M.  
P.M.

Nature of Grievance Charge not with  
B.I.B.F. Violation of Para  
6A NA. Not discussing  
against employee or Demand  
not correct situation  
immediately & send employee  
family

Signed [Signature] S.S. No. 6905

Committeeman [Signature] District No. 007

Reported to [Signature] Advisor

Disposition by Advisor charges & demands  
denied X

X  
X  
X  
X

Date 1-27-06  
Grievance Satisfactorily Settled NO - JAM  
Referred to ZNS

26  
EMPLOYEE GRIEVANCE No. 15739D

Dept. 40 Date 1/25/06 Time 10<sup>30</sup> A.M.  
P.M.

Nature of Grievance Charge not with  
B.I.B.F. Violation of Unjust  
Discipline of removing employee  
from work. Demand employee  
returned to work Robert &  
work until full money &  
benefits lost

Signed [Signature] S.S. No. 6905

Committeeman [Signature] District No. 7

Reported to [Signature] Advisor

Disposition by Advisor charges & demands  
denied X

X  
X  
X  
X

Date 1-27-06  
Grievance Satisfactorily Settled NO - JAM  
Referred to 1/2



# General Motors

To: All General Motors Employees in U.S.

Subject: Policy Statement Regarding, Diversity, Equal Opportunity, Affirmative Action, Non-Discrimination and Sexual Harassment

At General Motors, differences are a source of the innovation and creativity which are essential to our success. It is important that we support and integrate the many voices of diversity and increase our understanding for differences in life experiences, culture, and beliefs. Consistent with our core values of teamwork and integrity, General Motors has a long-standing commitment to diversity, equal opportunity, affirmative action, and non-discrimination.

*General Motors extends opportunities to qualified applicants and employees on a non-discriminatory basis.*

*Reasonable accommodation is made to the limitations of qualified individuals with disabilities, qualified disabled veterans and disabled veterans of the Vietnam Era, taking into account the needs of the business and financial costs.*

GM's people philosophy includes an ongoing commitment to cultivate our diversity by creating and maintaining a workplace environment that naturally enables every team member to make the greatest contribution. *This requires a workplace environment which is free of discrimination, hostility, and physical or verbal harassment with respect to race, gender, color, national origin, religion, age, disability, sexual orientation, being a disabled veteran or a veteran of the Vietnam Era.*

*Sexual harassment, as in the case of harassment based on age, race, color, sexual orientation, religion or national origin, has long been regarded as a violation of GM policy.* Harassment should be understood to mean a single incident or a pattern of behavior where the purpose, or the effect, is to create a hostile, offensive, or intimidating workplace environment. Harassment may encompass a wide range of behaviors, which include, but are not limited to, derogatory comments that are gender-based, racial, religious, sexual, ethnic or disability based in nature. Harassment includes unwanted sexual advances and unwanted physical contact for any reason.

It is important for employees to report any incident in which they feel they have been the recipient of harassment or have concerns about equal opportunity, affirmative action, and non-discrimination. Concerns can be brought to the attention of the supervisor or the personnel representative for the workplace. Further, other appropriate and existing complaint procedures also can be utilized.

General Motors policy adheres to all applicable federal, state and local laws and regulations. *It is, however, every employee's responsibility to act in a manner which will create and maintain a workplace environment that supports diversity and is free from all discrimination and harassment. Managers, in particular, are expected to prevent discrimination and harassment and to support GM policy of diversity, equal opportunity, and affirmative action. General Motors will not tolerate behavior which is inconsistent with this policy and will take appropriate action to prevent such behavior up to and including termination.*

To meet and exceed our customers' expectations, GM must have a skilled, capable, committed, and enthusiastic workforce with a wide range of backgrounds and views. Living by this policy is the way that we will be successful as the General Motors team.

J. F. Smith, Jr.

General Motors Corporation

100 Renaissance Center

P. O. Box 100

Detroit, Michigan 48265-1000



North American Operations

January 12, 1998

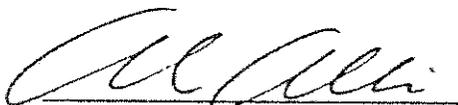
To: All GM Lordstown Team Members

As we enter into the New Year, we must begin to focus on the many challenges that we will most certainly encounter in the months to come. This is also an excellent time to reaffirm and commit ourselves to building a productive and supportive work environment that is comfortable, and non-threatening for all employees, regardless of human differences, including race, sex, age, religion, national origin or disability.

It is critical that we assure that our actions are aligned with the widely distributed policy of General Motors concerning the rights of its employees. This policy describes the working environment that we at Lordstown must strive to foster for all of our employees: an open nurturing atmosphere in which each one of us is *treated with dignity and respect*, with equal opportunity for advancement and growth. We all have a right to such an environment; we also have a responsibility to assure that our co-workers enjoy the same right.

All GM Lordstown employees are entitled to work in an environment in which words and actions do not have even the appearance of disrespect. Sexually oriented jokes, cartoons, pictures, and all forms of intimidating or unwelcome sexual conduct, may be offensive, and therefore may result in the creation of a hostile work environment. This type of conduct is counterproductive and demeaning, and we can not tolerate it at any level at GM Lordstown. It is the responsibility of management and each employee, to create and maintain a work environment this is free from hostility resulting from sexually oriented behavior.

The coming year will represent a significant challenge for our Lordstown team, as we work to secure our futures. Let us commit ourselves to building and maintaining a harassment free environment as we move forward in our *Race To Win*.

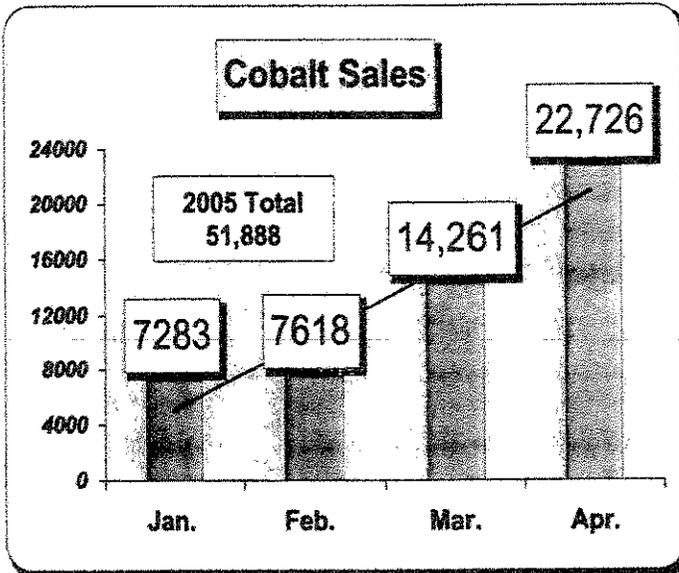
  
Al Alli, Chairman UAW #1112

  
Herman Maass, Plant Manager

LORDSTOWN ASSEMBLY

REED 00468

# GM REPORTS 385,939 DELIVERIES IN APRIL



GM sold 385,939 new cars and trucks in April, with sales down 7 percent overall from April 2004 on a selling days adjusted basis. GM truck sales (215,321) were down 17 percent, as compared to last year when GM set an industry sales record, and car sales (170,618) were up 7.5 percent, paced by solid sales of key launch vehicles. Following are some sales highlights:

**Chevy car sales up 20 percent:** Chevrolet car sales increased 20 percent in April, driven by the new Cobalt, which had its best-ever monthly sales. Cobalt deliveries jumped an impressive 59 percent compared to March levels, which was its previous high. Economy segment-leading Aveo also contributed to the increase in Chevrolet

car sales, achieving record monthly sales that were up 43 percent compared to year-ago levels. On the truck side, Equinox sales were up 76 percent, surpassing the 10,000 unit-sales mark for the sixth time in the last eight months. And Colorado achieved record sales in April, with deliveries that were 17 percent above year-ago levels.

**Pontiac G6 has best monthly sales to date:** Pontiac G6 sales continued to strengthen, with its best monthly sales to date. Deliveries were 23 percent greater than March levels. Canyon, GMC's new entry in the mid-size pickup segment also posted record deliveries, up 41 percent compared to last year.

## Policy Against Harassment

General Motors has had for many years a written and widely distributed policy on equal employment opportunity. Sexual harassment, as in the harassment based on age, color, religion, or national origin, has long been regarded as a violation of this policy.

All employees are expected to deal fairly and honestly with one another to ensure a work environment free of intimidation and harassment. Abuse of the dignity of anyone through ethnic, racist or sexist slurs or through derogatory or objectionable conduct is offensive employee behavior. Sexual harassment also includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature.

All employees are entitled to work in an environment in which words and actions do not even have the appearance of disrespect. Sexual orientated jokes, cartoons, pictures, language, certain gestures and touching may be offensive to people, and therefore, may result in a hostile work environment. This type of conduct, as outlined in the GM policy statement, will not be tolerated in the work place. General Motors facilities must be free of hostility resulting from sexually orientated behavior.

# Lordstown Plant Performance

**FOR WEEK ENDING  
APRIL 30, 2005**

<b>Total OSHA Recordables (April to Date)</b>		<b>April OSHA Recordable Goal</b>	
<b>23</b>		<b>24 (Lower is Better)</b>	
<b>Direct Run Rate (Month to Date)</b>		<b>Year End Goal</b>	
<b>75.5%</b>		<b>85% or Higher</b>	
<b>Direct Run Loss (Month to Date Plant Average)</b>		<b>Direct Run Loss Goal</b>	
<b>250.8% <small>(Lower is Better)</small></b>		<b>385% or Lower</b>	
<b>Build to Schedule (April to Date)</b>			<b>Down</b>
<b>Hours Per Vehicle (Lower is Better)</b>			<b>325 Units</b>
<b>33.5</b>			<b>Year End Goal</b>
<b>30.85</b>			<b>Goal</b>
<b>3rd Shift</b>	<b>1st Shift</b>	<b>2nd Shift</b>	<b>Goal</b>
<b>432</b>	<b>402</b>	<b>363</b>	<b>432</b>
<b>Daily 8-Hour Average Produced</b>	<b>Daily 8-Hour Average Produced</b>	<b>Daily 8-Hour Average Produced</b>	<b>or More</b>

Lordstown Complex is a General Motors Global Manufacturing System (GMGMS) Facility that Supports the Operator.



General Motors Corporation  
Mail Code 482-C39-850  
300 Renaissance Center  
PO Box 300  
Detroit, MI 48265-3000

April 10, 2002

Dear GM Employee:

The General Motors family is rich in its diversity, from the many groups represented in our plants and offices to the many beliefs expressed by our people. By leveraging that diversity, we are able to make and sell great products.

In Rick Wagoner's introduction, he mentioned the importance of being good corporate citizens. Part of being a good corporate citizen at GM is supporting its values, which include embracing diversity and fostering a work environment where all people feel safe and respected. It is part of our core value of Individual Respect and Responsibility, which states: We will be respectful of the individuals we work with, and we will take personal responsibility for our actions and the results of our work.

This value calls on each of us to respect all individuals, whether they work for GM, supply GM or buy our products. As society and our workplace become more diverse, we must practice greater understanding, respect and tolerance of other people. We must respect the uniqueness of each of us as individuals and treat one another with dignity.

As champions of the Individual Respect and Responsibility core value, we are committed to continuing to provide resources to help all of us reflect this value in our deeds, as well as our words.

One important guiding principle of the Individual Respect and Responsibility core value is that we, as a corporation and as individuals, must not tolerate discrimination and harassment in our workplace. Harassment and discrimination based on sex, age, race, color, ethnicity, sexual orientation, physical ability, religion or national origin are totally inconsistent with our core value and violate Company policy.

Harassment can be either a single incident or a pattern of behavior where the effect is to create a hostile, offensive, or intimidating work environment. Harassment encompasses a wide range of behaviors, including, for example, derogatory comments that are based on gender, race, religion, sex, sexual orientation, ethnicity or disability. Also, unwanted sexual advances or unwanted physical contact are other examples of prohibited harassment, as are such things as the display of offensive or threatening materials.

It is important that you promptly report incidents of harassment and discrimination, whether you are a victim or an observer. You can report harassment and discrimination in several ways. You may talk to your supervisor, labor relations

L.C

# *Examples of Sexual Harassment (cont.)*

- Leering, staring
  - Unwelcome jokes, comments or conversation of a sexual nature
  - The circulation or displaying of sexist or sexually oriented cartoons, pictures, photographs and other potentially offensive materials in the workplace
- 

BUCKS!



**MASTER** 

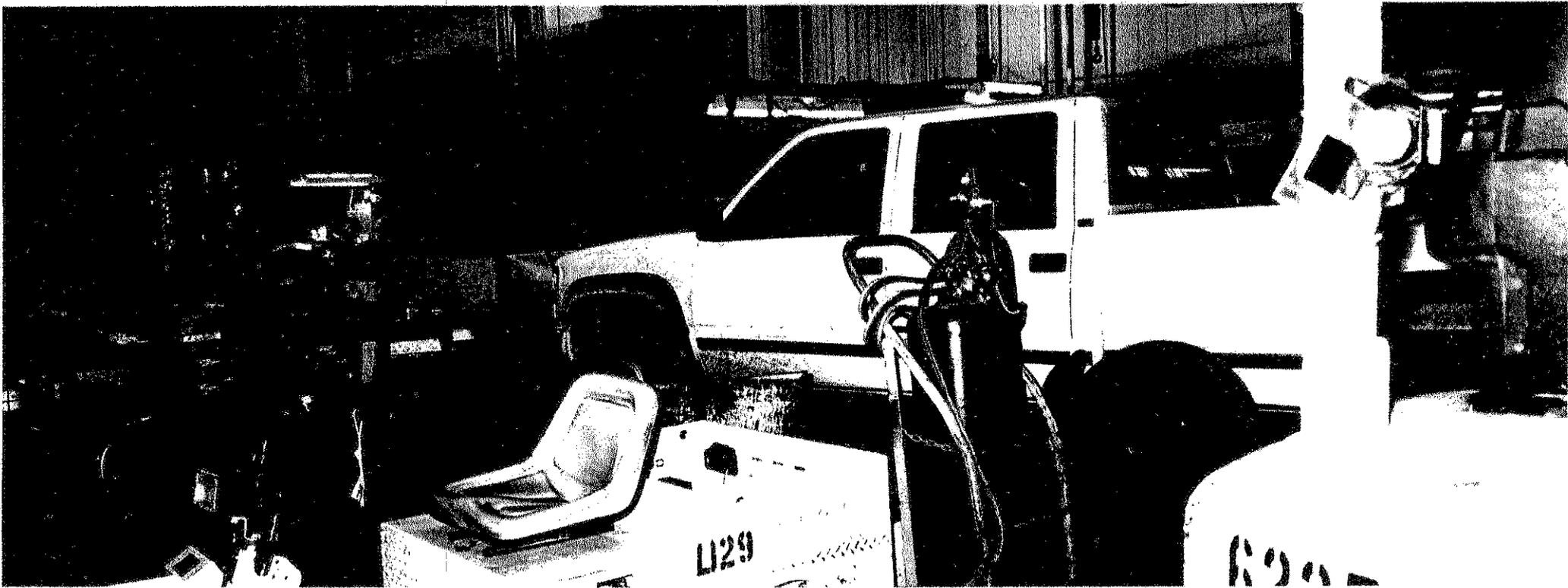
**HONOR STUDENT**  
"YES YOUR HONOR"  
"NO YOUR HONOR"

**WOMEN**  
3 WEEKS OF ROCK & ROLL, I'M STILL EATIN' MINE PLAIN!

**9 OUT OF 10 WOMEN ARE BATTERED**  
**AND I'M STILL EATIN' MINE PLAIN!**

**LIQUOR UP FRONT**  
**POKER IN THE REAR**

**HAVE YOU HAD YOUR**  
**SPANKING TODAY?**



Found on table 11-14-00

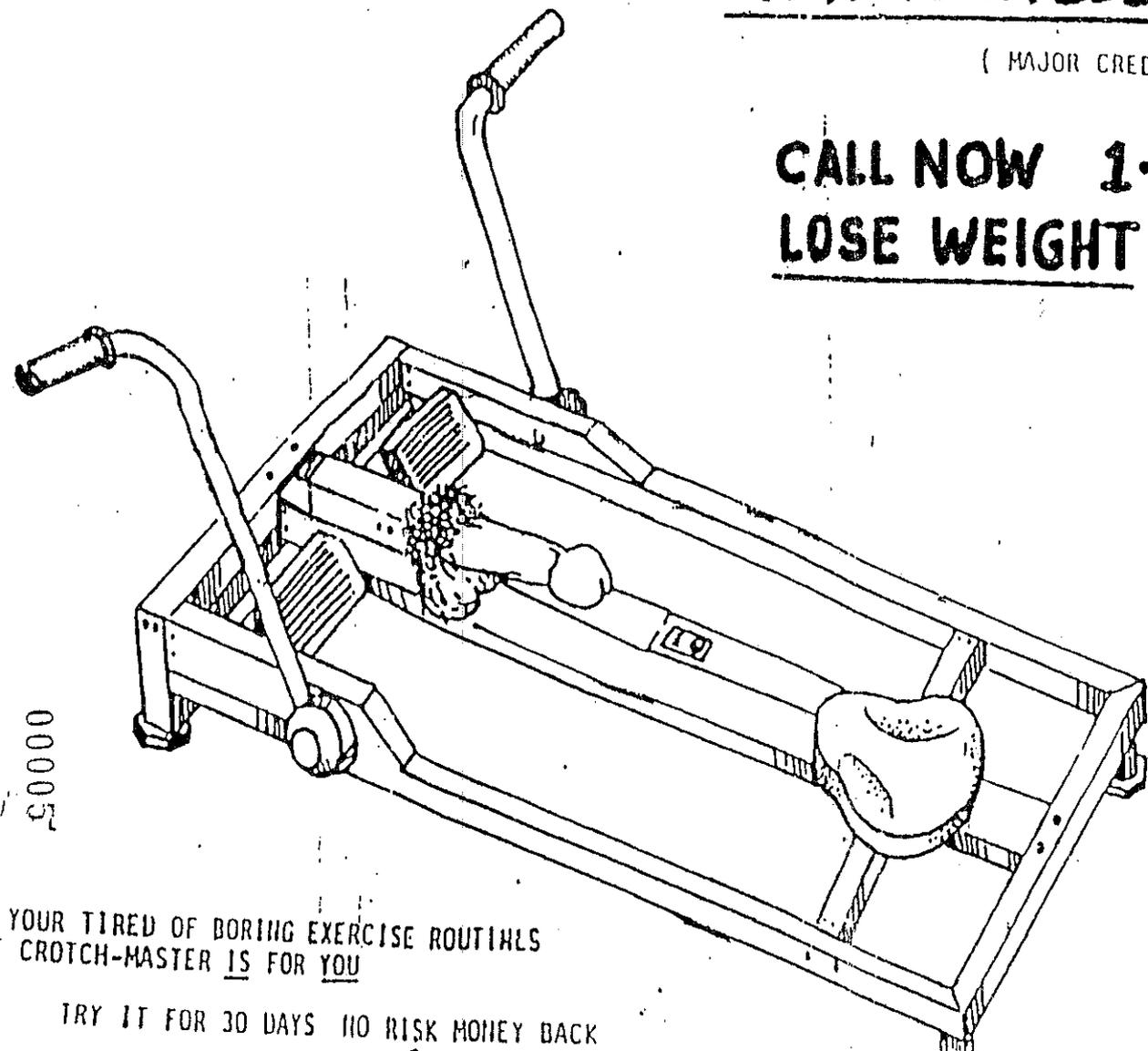
copy sent  
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- HI-NO SILVER



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**Cleveland District Office**

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Cleveland, OH 44113-1412  
(216) 522-2001  
TTY (216) 522-8441  
FAX (216) 522-7395  
Website: www.eeoc.gov

Charge No. 22AA05430

Marietta L. Reed  
2980 Malibu Drive  
Warren, Ohio 44481

Charging Party

General Motors Corp.  
2300 Hallock Young Road  
Warren, Ohio 44481

Respondent

**DETERMINATION**

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the subject charge filed under **Title I of the Americans with Disabilities Act of 1990, as amended (ADA)**.

All requirements for coverage have been met. Charging Party alleged that prior to and on March 17, 2000, she was discriminated against by being continually harassed due to her disability, and she was harassed in retaliation for asserting her right to a reasonable accommodation, in violation of the **ADA**.

Respondent denies the allegations.

Investigation reveals evidence that supports Charging Party's allegations. Based on the forgoing, I have determined that the evidence obtained during the investigation establishes a violation of the **statute**.

Upon finding that there is reason to believe that a violation has occurred, the Commission attempts to eliminate the alleged unlawful practice by informal methods of conciliation. Hence, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The confidentiality provisions of the **ADA** and Commission Regulations apply to information obtained during conciliation.

If the Respondent declines to discuss settlement or when, for any other reason, a settlement acceptable to the office Director is not obtained, the Director will inform the parties and advise



# Ohio Civil Rights Commission

"Many Faces ... One Cause"

Harold Singleton  
Interim Manager  
General Motors Corp.  
Employment Relations  
300 Renaissance Cntr  
Mail Code 482C09-C76  
Detroit, MI 48265

Marietta L. Reed  
2980 Malibu Drive  
Warren, OH 44481

Marietta L. Reed v. General Motors Corporation  
B3031700 (24652) 031700, 22A A0 5430

**CENTRAL OFFICE**  
1111 E. Broad Street, Suite 301  
Columbus, Ohio 43205-1379  
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TTY (614) 466-9353  
FAX (614) 644-5776

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Akron Government Center  
161 S. High Street, Suite 305  
Akron, Ohio 44308  
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**CINCINNATI REGIONAL OFFICE**  
Holiday Park  
801-B W. 8th Street, 2nd Floor  
Cincinnati, Ohio 45203  
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FAX (513) 852-3357

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**DAYTON REGIONAL OFFICE**  
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Dayton, Ohio 45402-1831  
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Voice-TTY  
FAX (937) 285-6606

**TOLEDO REGIONAL OFFICE**  
Disalle Government Center  
Jackson & Erie Streets, Room 936  
Toledo, Ohio 43604  
(419) 245-2900  
Voice-TTY  
FAX (419) 245-2868

7  
On January 4, 2001 the Commission found it was probable that Respondent, General Motors Corporation, had engaged in unlawful discriminatory employment practices against the Charging Party, Marietta L. Reed.

On February 9, 2001 the Respondent declined to enter conciliation discussions. Therefore, the Commission declared an IMPASSE.

Based on the current Impasse status of this case, a Formal Complaint will be issued and a public hearing will be scheduled.

In the interim, subject case will be transferred to the Office of the Ohio Attorney General for litigation:

Attorney General's Office  
State of Ohio  
30 E. Broad St.  
Columbus, OH 43215-3428  
(614) 466-7900

Very truly yours,

Diana J. Peske  
Conciliator

00099

Human Resource Dept.  
200 Walker  
General Motors Legal Division  
Detroit, Michigan 48207

*Letters I have written*

To whom it may concern:

I am writing to you in hopes of finding some resolution to my problem. Let me introduce myself. My name is Marietta Reed. I work for the General Motors plant in Lordstown, Ohio. I work in the skilled trades - dept. 40, which is truck repair. I have been and continue to be the only female hired in this department. Let me say that I was injured on the job in May of 1996; and have since had ongoing issues with co-workers and management. These issues include an ongoing hostile work environment, harassment, and retaliatory measures from management here at the Lordstown facility. Let me also say that I have had one supporter from the shop through all this turmoil. That man is Bruce Adams. I recently asked for meetings with upper management to try to solve an issue. I was concerned with the hiring of a foreman from an outside concern, Knight Industries. I was told by upper management, that Tony was hired to alleviate some of the problems in my department and that his hiring should make it easier on me.

Let me further state that I have only been to labor once since my hiring in 1979. Tony Cantarino, who is my current foreman, took over the duties of foreman in truck repair on January 03, 2001. Since that date I have been put on notice five times. I was put on notice for refusing to sign a paper, which was a resolved issue with management. I was put on notice for being out of the shop without permission, when I was performing my job duties, I was put on notice for going to Tony's supervisor on my break time, to try to resolve my issues with Tony, I was put on notice for being out of the shop while test driving a truck after repairing it to make sure it was safe, without asking permission, and I was put on notice for telling Tony I was tired of the harassment and said the word shit. I have, although, only been taken to labor once, for formal counseling.

In light of conversation with a personal friend, who confided in me that he knew Tony personally on the outside; I am let to believe that Tony is doing "exactly" what he was asked to do when he was hired. Since that entails treating me differently than he treats the men in the shop, I find this situation totally unacceptable. Please take note that I was also informed that Tony spent approx. eight months in the Fab plant, prior to coming to our facility. It was explained to me that Tony was a regular participant in labor relations and had actually had seventeen sweepers in that facility up to be "fired". It seems his reputation precedes him.

I believe Tony's behavior to be unprofessional. I am sending you copies of documentation which show that Tony keeps written documentation on my and Bruce's whereabouts, while choosing to ignore the whereabouts of the other men in the shop. He has also written derogatory comments on a sheet of paper and left said paper unattended,

so that others may read his opinions about my work abilities. Should Tony find a discrepancy with my ability to do my job, I would suggest that he discuss that discrepancy with me personally. I am also sending you transcription of my visit in labor relations.

I am perfectly willing to perform my job duties, as I have always done in the past, at a satisfactory or higher level, with proper regard to my restrictions. My work abilities have never been an issue with any other foreman in our department. And it is common knowledge that I generate more completed work from the shop than most co-workers.

As I have previously exhausted all my resources in plant, to try to solve my issues, I was forced to go outside to file charges with the Ohio Civil Rights Commission of Ohio, and have a case pending with the Equal Employment Opportunity Commission. I have to question Tony's motivation in trying to discipline me his second day on the job. His scrutinizing of my behavior perpetuates the notion that his is pre-positioning me for disciplinary action. As, this scrutinization could lead to action causing me harm, I am asking for a thorough investigation into this matter. I trust you will give this matter your immediate attention.

Sincerely,

Marietta L. Reed

cc. Carl Lewis, OCRC  
cc. Human Resource Dept. GM Lordstown



# Ohio Civil Rights Commission

Governor  
John Kasich

---

**Board of Commissioners**

Eddie Harrell, Jr., Chairman

Leonard J. Hubert

Stephanie M. Mercado, Esq.

Tom Roberts

Rashmi N. Yajnik

February 3, 2012

G. Michael Payton, Executive Director

Marietta Reed  
2980 Malibu Drive  
Warren, OH 44481

Re: *Marietta Reed v. General Motors Corporation*  
(AKR) B3012006 (30794) 012606  
22A 2006 01351C  
Complaint No. 10084

The enclosed Order dismissing Complaint No. 10084 the above captioned matter was issued by the Ohio Civil Rights Commission at its meeting of January 12, 2012.

This case is closed.

FOR THE COMMISSION

*Desmon Martin / cjs*

Desmon Martin  
Director of Enforcement and Compliance

DM:cjs  
Enclosure

cc: Lori A. Anthony, Chief – Civil Rights Section  
Denise M. Johnson, ALJ – Division of Hearings  
Compliance [Martin – Kanney – Woods]  
Bridget B. Romero, Esq.

---

CENTRAL OFFICE • State Office Tower, 5<sup>th</sup> Floor, 30 East Broad Street, Columbus, OH 43215-3414  
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objections to the Administrative Law Judge's recommendation, and these objections were considered by the Commission at its December 15, 2011 meeting. At that meeting, the Commissioners rejected Complainant's objections, and adopted Judge Johnson's report and recommendation in full.

After careful consideration of the entire record, the Commission adopted the Administrative Law Judge's report and recommendation at its December 15, 2011 public meeting. Therefore, the Commission incorporates the findings of fact, conclusions of law, and the recommendations contained in the Administrative Law Judge's September 29, 2011 report and recommendation as if fully rewritten herein. The Commission hereby dismisses Complaint No. 10084 against Respondent.

This ORDER issued by the Ohio Civil Rights Commission this 12<sup>th</sup> day of

January, 2012.



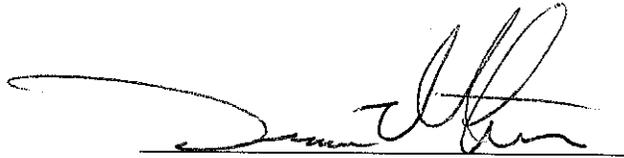
Commissioner, Ohio Civil Rights Commission

## NOTICE OF RIGHT TO JUDICIAL REVIEW

Notice is hereby given to all parties herein that Revised Code Section 4112.06 sets forth the right to obtain judicial review of this Order and the mode and procedure thereof.

### CERTIFICATE

I, Desmon Martin, Director of Enforcement and Compliance of the Ohio Civil Rights Commission, do hereby certify that the foregoing is a true and accurate copy of the Final Order issued in the above-captioned matter and filed with the Commission at its Central Office in Columbus, Ohio.



Desmon Martin  
Director of Enforcement and Compliance  
Ohio Civil Rights Commission

DATE:

1/12/2012