

# THE TIMES LEADER

WILKES-BARRE, PA

timesleader.com

TUESDAY, MAY 19, 2009

## Worker: Firing stems from making claims

U.S. Foodservice supervisor files lawsuit in federal court.

By Terrie Morgan-Besecker, Law & Order Reporter

PITTSTON . A former transportation supervisor for U.S. Foodservice claims in a lawsuit that he was fired after he reported the company had violated several trucking safety regulations, including allowing a driver to continue working after he tested positive for drug use.

The lawsuit, filed Friday in federal court in Scranton by Ronald Oliveri Jr. of Pittston, claims officials with the firm's Pittston office also allowed unsafe trucks to go out on the roads, resulting in at least one accident and possibly the death of one driver and sickening of another from carbon monoxide poisoning.

The suit, filed by attorney Julie Uebler of Paoli, says Oliveri was employed from January 2007 until Oct. 15, 2008, and had always gotten good reviews. He was fired one day after he phoned a hotline established by U.S. Foodservice that allowed employees to anonymously report allegations of safety violations.

He stood up and did what he thought was the right thing to do and now he's suffering the consequences of that," Uebler said.

According to the suit:

In or around July 2007, Oliveri became concerned that his supervisor, Pat Spring, was violating federal law that mandated random testing of tractor-trailer drivers employed by the firm.

Oliveri claims Spring repeatedly delayed sending several employees for the tests, despite regulations that require the selected employee report immediately.

Spring also allowed one employee who had tested positive for cocaine to remain on the road pending a second test. When Oliveri advised Spring that was against federal regulations, Spring told him to "mind his own business," according to the suit.

Oliveri reported his concerns to the U.S. Department of Transportation. In February, the agency assessed civil penalties against the company for utilizing a driver who had tested positive for drugs, according to the suit.

Contacted Monday, Spring said he could not comment. He referred questions to the director of human resources, John Reedy, who did not return a phone message. An attorney for the company, A. Jack Finklea, of Indiana, also did not return a phone message Monday.

Oliveri's suit says he also raised concerns about the condition of the company's trucks after the death of one of the firm's drivers in March 2008. Oliveri said Reedy advised him the employee, who was initially believed to have died from a heart attack, had actually died from carbon monoxide poisoning.

In July 2008 a second driver had to be rushed to the hospital by a customer after he awoke in the sleeper cabin of his truck feeling nauseous and dizzy. His condition was later determined to be caused by breathing in carbon monoxide.

Oliveri said he warned company officials of the problems, but they ignored his concerns. Frustrated by their lack of response, Oliveri called the company hotline.

The suit says U.S. Foodservice denies company officials knew Oliveri had called the hotline.