

Abuse of Power, Corruption and Maleficence of Greyhound Bus Lines, Inc.

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**Lewis James Seals Jr.,
Complainant,**

v.

**Greyhound Bus Lines, Inc.,
Agency.**

Case No:

Date: 09/21/16

**SUBMITTED FOR PURPOSES OF GREIVENCE
Revised from initial Complaint**

Re: Lewis Seals v. Greyhound Bus Lines, Inc.;

GREIVENCE

I. Summary of Facts

On September 16, 2016, Complainant Lewis Seals was assigned to a charter supervised by CMAC (Convention and Event Transportation Management). He was told to report to 10809 St. Charles Rock Road at 8:00 a.m. Upon arrival, there was not a member of CMAC on the scene, being the first bus Complainant waited. Another bus arrived and the driver advised Complainant that his right taillight was out. Complainant told the driver that he would head to the St. Louis Greyhound terminal to get the issue fixed but was advised it would be best to wait and notify the CMAC supervisor.

Complainant began to clean out the bag with his personal belongings and amassed a handful of letters and various papers that he needed to throw away. At this time, CMAC supervisors arrived and the Complainant immediately came to notify them with the things he wanted to throw away in his hands. Complainant advised CMAC that he needed to go to the St. Louis Greyhound terminal to get the taillight replaced on the bus. He knew that this would be a simple fix. CMAC supervisor told Complainant that he did not do a pre-trip inspection on his bus. Complainant was not amused by the comment but remained professional and did not say anything. CMAC supervisor then told complainant to drive the bus and start the shuttle to pick up the passengers as he was in a rush for time. Complainant refused. He restated that he was able to go to the terminal to get the issue fixed; knowing that to drive the bus with the safety violation with passengers onboard would put himself, CMAC, and Greyhound at potential liability risk. As a former police officer, Complainant knew that it would not be an issue to drive the bus to get it repaired. The supervisor then began to get visibly upset and questioned, "How long will it take!" Complainant advised that he was going to the Greyhound terminal in St. Louis but did not know how long it was going to take because traffic was extremely heavy. CMAC supervisor then yelled at Complainant, "Just Go!!!"

Complainant then began to walk to the trash receptacle that was a short distance away. CMAC supervisor already visibly upset, screamed at the Complainant, "What are you doing!!!" He then shouted, "I told you to leave!!!...Just go!!!" Complainant politely told the supervisor that he was throwing away the trash; however, the supervisor exclaimed, "I told you to go!!!...You can throw that trash away at the terminal!!!" Knowing that he was being harassed,

Complainant said nothing else to the supervisor but threw the trash away in the receptacle, got on the bus and headed to the terminal.

When complaint arrived at the terminal, he called “OSC” to make a complaint of harassment. Complainant advised the “OSC” supervisor that his activities are protected under STAA as he made a complaint “related to a violation of a commercial motor vehicle safety regulation, standard, or order,” 49 U.S.C.A. § 31105(a)(1)(A); “refus[ing] to operate a vehicle because . . . the operation violates a regulation, standard, or order of the United States related to commercial motor vehicle safety or health,” 49 U.S.C.A. § 31105(a)(1)(B)(i); and “refus[ing] to operate a vehicle because . . . the employee has a reasonable apprehension of serious injury to the employee or the public because of the vehicle’s unsafe condition,” 49 U.S.C.A. § 31105(a)(1)(B)(ii).

The Complainant’s refusal to drive is also protected under subsection (1)(B)(ii) because he had “a reasonable apprehension of serious injury to [himself] or the public because of the vehicle’s unsafe condition.” This clause covers more than just mechanical defects of a vehicle - it is also intended to ensure “that employees are not forced to commit . . . unsafe acts.” *Garcia v. AAA Cooper Transp.*,

This incident along with others asserted severe, consistent, and continuous harassment, discrimination, disparate treatment, and a hostile work environment by Greyhound Lines, Inc. based on his religion (Christianity) and other factors. Complainant asserts that swift retaliation followed the submission of the complaint.

When the “OSC” refused to act, Complainant booked off fatigue. As stated earlier, Complainant’s refusal to drive is protected activity under subsection (1)(B)(i) because his operation of a motor vehicle would have violated a Department of Transportation (DOT) regulation that states:

No driver shall operate a commercial motor vehicle, and a motor carrier shall not require or permit a driver to operate a commercial motor vehicle, while the driver’s ability or alertness is so impaired, or so likely to become impaired, through fatigue, illness or any other cause, as to make it unsafe for him/her to begin or continue to operate the commercial motor vehicle. 49 C.F.R. § 392.3 (2003).

This regulation, known colloquially as the “fatigue rule,” plainly covers Complainant as he anticipated that his ability or alertness was so likely to become impaired that it would be unsafe to continue driving because of the intense harassment. Complainant also informed the “OSC” supervisor that if he was taken “out of service” for booking off fatigue that it would be harassment. This was stated because the supervisor advised Complainant that he **HAD** to talk to Barbara Boyd.

This would violate the, Surface Transportation Assistance Act (STAA) 49 U.S.C. §31105. Please note that the act states in subsection, §31105 Employee protections (a) Prohibitions, in relevant part:

(1) A person may not discharge an employee, or discipline or discriminate against an employee regarding pay, terms, or privileges of employment, because -

(A)

(i) the employee, or another person at the employee's request, has filed a complaint or begun a proceeding related to a violation of a commercial

motor vehicle safety or security regulation, standard, or order, or has testified or will testify in such a proceeding; or

(ii) the person perceives that the employee has filed or is about to file a complaint or has begun or is about to begin a proceeding related to a violation of a commercial motor vehicle safety or security regulation, standard, or order;

(B) the employee refuses to operate a vehicle because -

(i) the operation violates a regulation, standard, or order of the United States related to commercial motor vehicle safety, health, or security; or

(ii) the employee has a reasonable apprehension of serious injury to the employee or the public because of the vehicle's hazardous safety or security condition;

Complainant was allowed to book off fatigue and given a confirmation number. The “OSC” supervisor assured that he would not be taken out of service.

This is not the first act of harassment by a CMAC supervisor on the complainant, just two days previous Complainant was on a CMAC supervised charter, when he was yelled at and cursed out by a CMAC supervisor. The occurrence happened at the corner of Wabash and Monroe at the Palmer Hotel in Chicago, Illinois. The harassment happened as a result of the Complainant refusing to operate the bus in the unsafe manner that was told by the CMAC official. The CMAC official told Complainant to drive the bus in between the metal train rafters. A picture of the street is posted below.



As advised by Greyhound employees, the Van Hool model of bus he was driving was 47 feet; other Greyhound buses are 45 and 40 feet respectively, Complainant knew that to try to navigate between the metal rafters would be an unsafe act and refused the CMAC official's instructions to do it. Complainant advised that he would have to block the right lane of travel and deboard after ensuring that it was safe for passengers. CMAC official advised that it was not true and that other buses were going through the metal rafters; he also stated that the “bell hop” would give him a “hard time.” Complainant advised that he would not commit the unsafe act and CMAC official began to yell expletives at him for refusing his instruction. He also

noted the Complainant's name wrote it down on the white sheet in the left bottom notation box on his clipboard.

II. Adverse Action

Complainant has suffered outrageous and extreme adverse action initiated by the Greyhound Bus Lines, Inc., after filing a formal complaint and delivering it by e-mail and hand to Greyhound supervisors Barbara Boyd (**Email Only**), Karen West (**E-mail & Hand**), and Joseph Hapac (**Email Only** by Karen West & Lewis Seals); regional manager, driver operations and safety at Greyhound Lines, Inc. on both September 14, 2016 and September 15, 2016

In violation of the Article G-7 Discipline which reads in relevant part:

ARTICLE G-7 DISCIPLINE

— Employees will neither be disciplined nor will entries be made against their records without just cause. Use of the term “just cause” in lieu of “sufficient cause” herein is not intended to and will not be interpreted to raise the standard for discipline historically applied under Article G-7. Just cause includes violation of Company rules, regulations and instructions not inconsistent with this Agreement. When discipline is issued, employees will be given written notice specifying the charges and penalty by hand delivery with signed acknowledgement of receipt or U.S. Mail postmarked within contractual time limits. Notification will be furnished to the appropriate assistant business agent and the designated shop steward of the Union.

Greyhound Bus Lines, Inc. in collusion with the Local 1700 of the Amalgamated Transit Union attempted to “railroad” Complainant. On Friday, September 16, 2016 after booking off fatigue and after being discriminated against and harassed for performing a protected activity covered by the Surface Transportation Assistance Act, Complainant went to retrieve his personal belongings from the hotel booked by CMAC. Complainant paid his own fare to retrieve his luggage and returned to the Greyhound bus terminal. After exiting the city transit coach, Complainant observed a Memphis Greyhound bus operator, “Russell Morris” standing on the rail talking in what seem to be a handset device. The encounter was strange but Complainant continued with luggage in hand to the Greyhound driver's room.

After a short while the driver “Russell Morris” known to the Complainant to be a member of the Amalgamated Transit Union; as he wears an Amalgamated Transit Union pin on his uniform, came into the driver's room. Complainant politely asked if he could cushion home to Memphis on his schedule; he was currently the driver for Greyhound schedule 1138 that departed St. Louis headed for Memphis, TN at 2:25 p.m., the driver seemingly joked that he could not but was in banter with another employee and the Complainant believed that he was jesting. The driver left the drivers room but later came back and advised Complainant that he was able to board the bus.

Complainant took his belongings and boarded the bus and was in conversation with a fellow employee when Barbara Boyd asked him he she could speak to him for a minute. She was in company with Greyhound Supervisor “Joseph Kaylor.” Complainant agreed. He walked behind Barbara Boyd but known to the Complainant both “Joseph Kaylor” and “Russell Morris” followed closely behind him. Barbara Boyd entered her office and advised

Complainant to take a seat. There were three chairs available and Complainant took the middle seat and “Russell Morris” took a seat to the right of him and “Joseph Kaylor” sat directly behind him to his left. Barbara Boyd sat behind her desk in an office chair and began to work on the computer when she stated, “I want to talk about the events that happened today regarding the charter.”

Barbara Boyd was in a panicked rush to print out what the Complainant could only assume to be a statement of charges (Discipline). Knowing that it was an illegal hearing, collusion, denial of due process rights, and an outright violation of law Complainant simply got up and walked out of the illegal hearing as his participation in it could give Greyhound “just cause” for termination. It is known company wide and by the Complainant that Barbara Boyd has terminated employees of Greyhound, “Without cause and for no reason,” as many of her terminations have resulted in employees being returned to work from being “unjustly fired.” Complainant thereby asserts Greyhound Bus Lines, Inc. knows that she has violated the law but has not disciplined her in this regard but has given her a promotion over former terminal manager, “Joseph Kaylor.” Due to extreme harassment, discrimination, and disparate treatment, the Complainant hereby refuses to talk to Barbara Boyd either verbally or by written communication.

After leaving out of Barbara Boyd’s office, Complainant retrieved his luggage off of the Greyhound coach and stood in the breezeway of the terminal. Complainant was on the phone when he was approached by Barbara Boyd, “Joseph Kaylor,” and “Russell Morris” in a “**show of force**” crowded around him in a semi-circle. It is the Complainant’s belief that “Unions” in general are nothing more than the “Mafia” and they try to exert their “influence” over others. As written in the complaint filed with Greyhound he has absolutely no dealings with them; he wrote:

“It is important to note that due to Complainant’s belief in God, he is unable to align himself with associations and unions that contradict and go against the will of God. Therefore, he has no dealings with the Amalgamated Transit Union at any level...Any attempt to exhaust specific performance through the Amalgamated Transit Union by any of the above listed agencies would be religious discrimination, a violation under Title VII of the Civil Rights Act of 1964, in that: (1) Complainant holds sincere religious beliefs that conflicts with an employment requirement; (2) he has informed the employer about the conflict; and (3) he has been discharged, disciplined and subjected to discriminatory treatment for failing to comply with the conflicting employment requirement. Smith v. Pyro Mining, 827 F.2d 1081, 1085 (6th Cir. 1987).”

Therefore Greyhound has violated the Title VII of the Civil Rights Act of 1964, in that Complainant is a Christian, and has informed Greyhound about the conflict, and he has been discharged, disciplined and subjected to discriminatory treatment for failing to comply with the conflicting employment requirement. It is important to note that Complainant does not fear Greyhound nor the Amalgamated Transit Union as all the fear he has is reserved for God!

As a former police officer, Complainant is knowledgeable of city and local laws. Not knowing whether he was still employed by Greyhound Bus Lines, Inc. is the reasoning he left the coach as Greyhound could have locked up the Complainant for trespassing. No longer being employed, he would have to purchase a regular ticket and not be allowed to travel home for free.

Complainant asked the group as they “huddled” around him, “Can I help you?” As Barbara Boyd began to speak, Complainant cut her off by asking specifically was he still employed by Greyhound Bus Lines, Inc, she advised that he was employed. Barbara Boyd was on the telephone taking with someone seemingly “getting directions on how to proceed.”

Complainant verbally told the group that he was being harassed and specifically told Barbara Boyd that she was harassing him and the he was currently “off-duty” and knew that he was being set-up.

It is important to note that Greyhound has cameras in this breezeway and can access the video upon request. Complainant then asked if he could get back on the bus or did he have to find an alternative way to go home. Complainant had to ask multiple times before he got the response, “Yes, you can ride the bus.” Complainant advised Barbara Boyd that he did not want to hear anything that she had to say as he was currently being harassed, set-up, and currently off-duty. Complainant advised that he was going to file a “grievance on Barbara Boyd, Joseph Kaylor, and Russell Morris for these acts. Barbara Boyd harassed Complainant further by stating, “You will be placed out service until you come and talk to me.” This is further harassment and disparate treatment.

Several laws have been violated in regard to this setup and collusion between Greyhound Bus Lines, Inc. and Amalgamated Transit Union. While this is not an exhaustive list, these are some of the more important ones as it relates to the case to the above listed agencies. In April 2013, Greyhound and the Local entered into a Collective Bargaining Agreement (“CBA”) that remains in effect until March 31, 2018. In relevant part, the ATU’s Article G-8(a) establishes a procedure for union members to file grievances against Greyhound. The ATU’s grievance procedure involves three stages, followed by possible arbitration.

In regard for breach of the duty of fair representation, case law states that, “[f]ederal labor law policy favors [resolution] by the parties of disputes arising under a collective bargaining agreement,” and thus “[t]he federal courts do not invade this domain on the complaint of an employee unless his union is ‘grossly deficient’ in its representation or ‘recklessly disregards’ the employee’s rights.” *Amburgey v. Consolidation Coal Co.*, 923 F.2d 27, 29 (4th Cir. 1991).

A breach “occurs only when a union’s conduct toward a member of the collective bargaining unit is arbitrary, discriminatory, or in bad faith.” *Vaca v. Sipes*, 386 U.S. 171, 190 (1967). “Whether a union acted arbitrarily, discriminatorily, or in bad faith requires a separate analysis, because each of these requirements represents a distinct and separate obligation.” *Thompson v. Aluminum Co. of America.*, 276 F.3d 651, 657 (4th Cir. 2002).

Complainant alleges that the Local 1700 acted discriminatorily and in bad faith when it colluded with Greyhound Bus Lines, Inc. to have an illegal hearing. “The union’s actions are invidious,” meaning they were “based upon impermissible or immutable classifications . . . or arise[] from prejudice or animus.” *Thomson v. Verizon Maryland, Inc.*, 140 F. Supp. 2d 546, 551 (D. Md. 2001) (quoting *Considine v. Newspaper Agency Corp.*, 43 F.3d 1349, 1359-60 (10th Cir. 1994)). Complainant alleges bad faith, and has shown above “fraud, deceitful and dishonest action.”

Complainant alleges arbitrary actions against Local 1700 as their actions were arbitrary and were “so far outside a wide range of reasonableness, that [they were] wholly irrational.” *Jeffreys v. Commc’ns. Workers of America, AFL-CIO*, 354 F.3d 270, 274 (4th Cir. 2003) (quoting *Air Line Pilots Ass’n, Int’l v. O’Neill*, 499 U.S. 65, 78 (1991)). Simply, being at a hearing before the Complainant even receives the necessary documentation and due process is arbitrary. Due to brevity, Complainant is not a member of the Amalgamated Transit Union but due to being a resident of Tennessee, a “**right to work state**” the above case law is relevant to the case.

Due to this illegal behavior Complainant has filed this grievance, *pro se* and expects a response in the timeframe stated in the (“CBA”). If a response is not given in the necessary

timeframe, Complainant will have no choice but to seek other assistance with this illegal behavior. Complainant claims constructive discharge, and seeks to have a step 2 grievance initiated.

II. Remedy

Complainant seeks remedy by being placed back into service and cease and desist in all harassment and disparate treatment against him, treated fairly in respect to schedule runs, pay, and employment, and all monies owe to me whether by filing pay claims or not. As a Christian, Complainant only seeks to be treated fairly, it has been the policy of Greyhound to continue to harass and discriminate against him. This hostile treatment must end.

Respectfully submitted,



Lewis James Seals Jr



DECLARATION

I, the undersigned, declare under penalty of perjury that the foregoing statements made in the above are true and correct to the best of my knowledge, information, and belief.

Lewis James Seale Jr.

Name

09/21/16

Date

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served the foregoing document(s) to the party indicated below by means indicated below on the date of signature below:

Greyhound Corporate Office Patriot Tower 350 North St. Paul Street Dallas, TX 75201	First Group America 600 Vine Street Suite 1400 Cincinnati, OH 45202	Office Of Federal Operations U.S. Equal Employment Opportunity Commission P. O. Box 77960 Washington, D.C. 20013
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By Regular Mail with Delivery Confirmation

Lewis James Seals Jr. 09/22/2016

Lewis James Seals Jr.

