

March 7, 2003

147 Heather Drive
Butler, PA 16001
March 7, 2003

Office of Attorney General
U. S. Department of Justice
Honorable John Ashcroft
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Overview: A recent fatality at AK Steel Corporation's Butler Works (PA) substantiates workers' recent complaints of AK Steel's OSHA violations, as well as violations of criminal and civil law, and exposes the company's policy of employee intimidation and terrorization.

Enclosures: Documents numbered 1 through 44, and lettered A through I. Correspondence to and from several OSHA officials regarding alleged OSHA violations at the Butler Works. Various documents which substantiate AK's policies and practices toward employees.

Dear Honorable John Ashcroft:

Like foreign terrorists who threaten American freedoms, certain domestic terrorists – in the form of unethical corporate executives – threaten the safety, the livelihood, and even the lives of American workers.

One such company, AK Steel Corporation – headquartered in Middletown, Ohio – terrorizes and threatens its most valuable asset, its steelworkers in Butler, Pennsylvania. Most recently, AK Steel's policies and mismanagement resulted in the death of a steelworker. Keith Eckenrode was recently killed because of corporate intimidation, ineptitude and mismanagement, leaving his widow with 3 fatherless young children.

I am contacting the Department of Justice at the highest level because a complete and thorough investigation of the AK Steel Butler Works is desperately needed.

I wrote to the Department of Justice on 11-29-01 regarding the above allegations. The DOJ replied to my letter on 5-15-02, stating that the issues I presented did not provide sufficient details or evidence to warrant action by your office.

The purpose of this letter is to provide further details and evidence to warrant attention and a subsequent investigation by the Department of Justice.

Enclosed please find documentation to prove my allegations of AK Steel's violations of the U.S. Code, Title 18: conspiracy against rights (section 241), extortion (section 3559), and terrorism (section 3077), as well as alleged violations of civil law and Constitutional rights.

Only the Department of Justice Can Intercede

You and your Department are the only entities capable of investigating this corporate terrorist – AK Steel. OSHA seems incapable of dealing adequately and thoroughly with this corporation, to protect AK's workforce. The Department of Justice must intervene – and include law enforcement agencies when applicable – in this dire situation on behalf of thousands of men and women terrorized by this corporation.

Please consider carefully the documents and claims made in this letter – because the livelihood and, indeed, the lives of thousands of AK employees are at stake. Thus far OSHA has, over the course of many years, failed to protect the safety and rights of AK employees.

Death of an AK Steelworker

On October 29, 2002 Mr. Keith Eckenrode, a production worker, was killed at the Butler AK Steel plant while performing his job. AK Steel failed to provide a safe work environment for Eckenrode because the company utilizes a less effective lockout procedure for production workers than for maintenance workers.

Maintenance workers, when working in or around equipment, lock and tag out the power sources and bleed off air and hydraulics, while production workers, like Eckenrode, are NOT instructed how to do that same procedure (to bleed off air and hydraulics) in order to protect themselves. If air and hydraulic lines are not bled off they remain pressurized, and a malfunction can cause them to become activated. AK provides no such instruction to production workers.

Eckenrode died of massive crushing injuries to his torso when he was pinned within the exit end of the coiler unit of the Processing Department #2 Aisle, Weld and Trim Line. [This unit trims and recoils steel coils up to 5-foot diameter, using a 5-foot long tension arm which maintains tension on the coil as it is being re-coiled.] While doing a clean up process assigned by a supervisor, Eckenrode was fatally crushed under the tension arm when an electrical failure caused either the air or the hydraulics to activate the tension arm under pressure, crushing him beneath it.

Additionally, there are allegations that the electrical failure (a coil short out) was caused by an inferior coil, which contributed to Eckenrode's death. Approximately a year ago AK replaced an electrical coil, allegedly with an inferior coil that was not rated properly for the application. When maintenance electricians installed the replacement coil, a properly rated coil was not available at that time. AK management allegedly instructed electricians to use an improperly rated coil, to get the unit quickly back in production. (The steelworker(s) with firsthand knowledge of this allegation will testify to authorities, if guaranteed protection from termination by AK Steel.)

As evidenced by Eckenrode's death, AK Steel's separate lock out / tag out procedures, one for maintenance and one for production, is woefully inadequate to protect the safety of its steelworkers. If AK supervisors had instructed Keith Eckenrode (and other production employees) the proper and SAFE way to bleed off air and hydraulic lines, he would be alive today. Note: Eckenrode was no stranger to this equipment. His assigned job had been on this unit, and he worked on this equipment on a regular basis. Eckenrode complied with company policy – and it killed him.

Contact information for the legal counsel for Keith Eckenrode's widow, Cheryl: TuckerArensburg Law Firm, attorney Chris Cahillane, 1500 One PPG Place, Pittsburgh, PA 15220-5401, 412-594-5552.

Employees Fear AK Steel

As I explained to Robert Szymanski (OSHA's Pittsburgh Area Director), OSHA will not get an accurate and/or an exhaustive investigation for many reasons. First, because AK employees (many that I know personally) refuse to talk to OSHA regarding all the issues addressed in this letter, as well as many others – some of which I may not be aware. Employees fear the loss of their jobs if they report anything to OSHA. Many employees I know say they will testify to law enforcement agencies at the federal level – such as the FBI – but not to OSHA. AK employees fear retaliation in the form of discharge, and they fear that OSHA will be unable to protect them from AK's retaliation. My case [explained later in this letter] is an example of this. I tried to file a complaint with OSHA on several dangerous issues; then OSHA claimed at that time that my concerns did not fall under their

jurisdiction. AK subsequently fired me, and OSHA could do nothing to protect me. AK made an example of me for other employees; when employees speak out, they are terminated.

AK Steel Allegedly Thwarts OSHA

Second, it seems that AK Steel continually thwarts OSHA's efforts to perform its duties. Allegations abound that AK managers may have tampered with the crime scene and crucial evidence following Eckenrode's death and prior to OSHA's arrival on the scene. An AK foreman who was supervising on the night of Eckenrode's death, allegedly reported to OSHA that Eckenrode had not been directed to enter the coiler area that night. However, it is common practice that AK employees who are given orders to clean up an area are expected to clean everywhere – unless specifically directed otherwise. AK managers, it seems, are reporting half-truths to OSHA.

Not surprisingly, in addition to stonewalling OSHA, AK is allegedly attempting to thwart Eckenrode's widow's civil case against AK. I recently spoke with Eckenrode's widow, Cheryl, who informed me that her attorneys requested to visit and inspect the site of Eckenrode's death. AK complied with that request, but remained less than cooperative. On the day of the attorneys' visit, AK supervisors allegedly scheduled off most of Eckenrode's co-workers who could have reported firsthand knowledge of the facts surrounding his death. Cheryl said it was evident that the few steelworkers available to the attorneys that day seemed clearly intimidated and extremely hesitant to speak openly and freely about the tragedy.

Evidence will show that AK Steel's so-called "safety program" primarily uses intimidation by retaliation. AK Steel showed this in my case, as I attempted whistle blowing to OSHA and to other agencies – and was subsequently discharged by AK Steel.

AK's "Oppressive Management Style" and Employee Intimidation

AK Steel intimidates employees to the extent that they fear reporting any accident or injury – even the most minor because, according to the Butler Armco Independent Union, "a suspension is sure to follow." [Refer to Document # 34, BAIU weekly newsletter dated 11-6-02.] Interestingly, that is probably the only reason AK's OSHA recordables are low right now.

It's not because AK is a sterling example of industrial safety, but only because AK terrorizes its employees so that they avoid seeking medical treatment [at the plant hospital] to avoid reporting workplace injuries. Unfortunately, this only creates the façade of a safe work environment.

In addition to suspending hundreds of steelworkers, AK has fired scores of employees in the past few years as a result of what would normally be considered "minor" injuries or safety policy infractions. According to that BAIU newsletter, AK Steel has fired 59 workers, and suspended 224 (at the Butler plant), since taking over Armco Steel in late 1999. [By my computation, that averages one firing every 19 days and one suspension every 5 days – an obscene statistic in even the most ruthless companies.]

Following Keith Eckenrode's death, AK Steel's CEO Richard Wardrop penned a letter to all employees expressing his "prayers and sympathies" to Eckenrode's family and friends. Despite Wardrop's knowledge that AK steelworkers were grieving the loss of their co-worker and friend, Wardrop found it necessary to reiterate in a sympathy letter his impossibly unattainable mandate for "zero injuries." As evidenced thus far, his policy is only possible when employees cannot report injuries – for fear of retaliatory discharge. [Refer to Document # 35.]

AK uses a progressive discipline system whereby employees are given verbal and written warnings, then suspensions, and then are discharged. This policy is abused, however, because AK seems to collect recorded violations on every employee, in case a termination becomes necessary in the future.

[Refer to Document # 34.] Plus, under AK's system, the progression of discipline continues from the first offense, even if it was as simple as an unbuttoned shirtsleeve. [Refer to Document #44, *Butler Eagle*, 11-8-02.] If employees, like me for example, try to expose corruption, mismanagement, and genuine safety violations within the company, AK will discharge them, using past history and "safety violations" against them. In my case, however, *I actually followed company policy before my discharge.* (My story follows later.)

"Quotas" for Management

Moreover, AK Steel uses a quota system (documented in writing) for its turn foremen, whereby they must document, at a minimum, one unsafe act and one unsafe condition on a weekly basis. [Refer to Document # 17, "Avoid Verbal Orders 5-22-01."] As an example to other managers, nine salaried supervisors were fired recently for NOT furnishing their weekly quotas of so-called "safety violations." [Refer to Document #44.] Upon request, I can provide names of those fired managers. Additionally, scores of management personnel are quitting or taking early retirement because of the interminable pressure to slink around the plant, ratting out subordinates, co-workers, and friends for trivial and petty "safety" infractions, while knowing that upper management ignores or institutes genuine safety violations. [See the "My Story" section of this letter, which details AK's practice that forces employees to continue operating damaged mobile cranes.]

Examples of Firings and Suspensions

Some examples of alleged firings, suspensions, and warnings given to hourly employees for minor and absurdly ridiculous infractions [Refer to Document # 17, page 2, and Document # 44]:

- One worker was fired for using a faulty piece of equipment that he previously reported as faulty, but the company refused to take out of service. (AK's rationale for his termination: allegedly, company officials "could not find" the worker's report of the faulty equipment.)
- Several workers have been fired for walking through overhead doors and not using a man door.
- One employee was given a 3-day suspension for wearing his wedding ring before even starting his shift.
- An employee was written up for walking with his hands in his pockets.
- Another employee was written up for writing a measurement on a tablet while walking.
- Employees were written up for having shoe laces untied or cuffs and shirts partially unbuttoned.
- Perhaps the most ridiculous of all: one employee was written up for "sweating too much" and not drinking enough water. Apparently AK management is omniscient and can sense when employees are not optimally hydrated.

Injured employees, fearing termination, are literally finishing their shifts and leaving the plant with serious injuries – a fractured leg, in one case – so that they do not have to report their injuries as work-related. Employees seek treatment at local health care facilities, but not at the plant hospital.

Insurance Fraud?

Fearing termination for being injured on the job, AK employees seek treatment at Butler Memorial Hospital, for example, and are forced to lie about their work-related injuries. AK workers, when asked by hospital personnel if they were injured at work, must falsify their treatment records and insurance claims, saying they were injured at home, at play, etc. AK's health insurance carrier, Highmark SelectBlue, pays the injury claims – instead of AK's workmen's compensation carrier. [AK Steel's employee health insurance carrier is: Highmark Blue Cross Blue Shield, an Independent Licensee of the Blue Cross and Blue Shield Association. AK Steel's Group # 04127114, Network Code 365, BC Plan 363, BS Plan 865. Member Service/Benefit questions: 1-800-241-5704. Member Claims contact address: Highmark Blue Cross Blue Shield, P.O. Box 3355, Pittsburgh, PA 15230-3355.]

AK's Motivations?

Most likely, the primary reasoning behind AK's current policies is monetary; AK has realized decreased workmen's compensation claims. Certainly these statistics, no matter how they jeopardize the well being of its workforce, make AK Steel appear more fiscally sound during its current negotiations to acquire National Steel Corporation. Moreover, in the event of a future sale of AK Steel, these statistics will prove appealing to a potential buyer.

The secondary motivation for AK's ongoing terrorization and intimidation of employees is so that AK can garner safety awards from OSHA, which of course leads to their exemption from random inspections. [See OSHA's web site at www.osha.gov/oshprogs/vpp/benefits.html, which explains these exemptions.]

AK Management Style Causes Mental Anguish

According to one local doctor, "hundreds" of AK employees [his word] are being treated at area mental health facilities for emotional and psychological illnesses and breakdowns directly caused by AK's oppressive management policies and terrorization of its workforce. This particular doctor is treating a personal friend of mine for these problems at an area psychiatric facility, and he explained the unprecedented numbers of AK employees being treated for mental stress and anguish. (My friend has agreed to testify to a law enforcement agency on this matter, if asked.)

Department of Justice officials should inquire of local health care facilities to investigate the extent to which AK employees are being terrorized psychologically, mentally, and emotionally. [Names of some patients willing to testify can be furnished at your request or that of law enforcement agencies that can protect the workers against termination.]

AK Steel subsequently forced this friend (mentioned above) back to work – against doctor's orders. First AK suspended this worker's Sick and Accident Health benefits, which completely eliminated income. Then AK allegedly threatened to terminate him if he did not return to work immediately. Interestingly, he is taking several prescriptions for his ailments, yet has been forced to return to work – while under the influence of these medications – at his own personal risk and at the risk of others. AK Steel is causing an unsafe work environment in this instance.

AK's Ruthless Reputation

Following the acquisition of the former Armco Steel, AK Steel has allegedly earned a heinous reputation throughout the tri-state area for its ruthless management practices. Local companies – like AK's suppliers, customers, vendors, and neighbors – allegedly are aware of AK's abusive, retaliatory, and intimidating policies toward its employees. Allegedly, one local company eagerly hires AK's discharged employees.

Even Irwin J. Dean, Jr., the arbitrator who ruled against me in my hearing [mentioned later in this letter], recognized what he called "oppressive management style" in a recent award to another steelworker at the Butler AK plant. [Refer to Document # 34.]

AK's CEO Wardrop Opposes Workers' Causes

Wardrop has been under investigation by the Ohio Elections Commission for his part in violating campaign-financing laws in 2000. Wardrop and a committee of several other CEOs are alleged to have solicited funds to spearhead a "smear campaign" against Ohio Supreme Court Justice Alice Robie Resnick during the election of 2000. Justice Resnick, who had "joined with three other justices [on the Ohio Supreme Court] to generally support workers' causes," won the election despite the alleged efforts by Richard Wardrop and the others to remove this justice who has fought for workers' rights. [Refer to Document # 45, "Enemies of Labor Under Investigation," Nov/Dec 2000, page 2.]

AK Steelworkers Desperately Need Help

AK steelworkers know the reputation of CEO Wardrop, and they have experienced his wrath. AK employees know that an agency like OSHA cannot – and will not – protect them against retaliation from AK Steel. In Szymanski's words, OSHA "cannot put a gun to their heads to make them talk." He admitted to me that OSHA has definite limitations in the scope of its authority. OSHA has lost all credibility with the AK hourly workforce because of all the incidents outlined here, plus many others. Many employees have told me they will speak with law enforcement agencies, but not with OSHA, about the obstruction of justice, terrorization, and abuse that has taken place and is taking place. For instance, in the death of Keith Eckenrode, at least one steelworker has told me personally that he will not testify to OSHA about key facts in the incident because he fears discharge. He will, however, testify to a law enforcement agency.

Ironically, AK steelworkers cannot turn to AK's Director of Corporate Safety, *Mr. Jim Stanley*, who is the *former Deputy Assistant Secretary of the U.S. Department of Labor*. None of the issues, crises, and tragedies mentioned here should have occurred with someone of Mr. Stanley's caliber as AK's Director of Corporate Safety.

Interestingly, the Department of Labor recently appointed Mr. Stanley to the National Advisory Committee on Occupational Safety and Health (NACOSH). [Refer to http://aksteel.com/news/press_release.asp?doc_id=301] Perhaps, if the Department of Labor had been made aware of the horrific conditions within Stanley's company, he may not have been appointed to an advisory position such as this.

Mr. Bob Carroll of the Pittsburgh OSHA office told me that, after reading the information I've sent to OSHA, and learning that AK's Director of Corporate Safety is Jim Stanley, the Pittsburgh OSHA office is eager to have the FBI involved in an investigation at AK Steel for two reasons.

- First, the FBI would provide a more thorough investigation. OSHA has acknowledged that its scope of authority is limited, and that AK seems to be untouchable.
- Second, the FBI's involvement would protect Pittsburgh area OSHA officers from legal liability in the event of criminal prosecution and civil liability of AK Steel.

Pittsburgh area OSHA director Robert Szymanski admitted, "we have not investigated a plant like the Butler AK Steel plant," inferring that AK Steel knows how to manipulate the system, circumventing OSHA law, labor law, and criminal and civil law.

Since OSHA is not empowered to investigate and penalize AK Steel for its practices, policies, and alleged violations of law, the Department of Justice must intervene.

My Story

I am a former steelworker with 17 years of service at the AK Steel Butler Works, formerly known as Armco Steel. *Prior to AK's acquisition of the facility, I had a satisfactory employment record with Armco.*

In 2000 and 2001, while I was working in the Transportation / Trucks Department as a heavy equipment operator and truck driver, my supervisor (Ed Tasse) gave me verbal orders to operate defective mobile cranes and to drive overloaded and unsecured tractor-trailers – both of which are in violation of company policy. [Refer Document # 40, my letter to Robert Szymanski (of OSHA), dated 11-29-02 that details all the policies that AK verbally ordered me to violate.]

At that time, I attempted to file a complaint with OSHA regarding my allegations that AK Steel forced (and still forces) the Transportation Department to operate defective mobile cranes and to

drive overloaded and unsecured tractor-trailers throughout the plant. I spoke with OSHA representative Jim Cannell, who told me his superiors claimed that my issues did not fall under OSHA jurisdiction.

On numerous occasions throughout 2000, I reported two defective mobile cranes to my supervisor, Tassej, and questioned my legal liability for operating defective equipment as well as the overloaded and unsecured tractor-trailers. Tassej, in response, refused to have the cranes repaired and refused to give me written indemnification in the event of an incident.

Then I contacted the PA Attorney General's office to inquire of my legal liability. Mr. David DeVries advised me that if I knowingly operated any defective equipment I would assume criminal and civil liability in the event of a catastrophe.

Tassej and AK management ignored my reports of defective cranes for approximately a year. AK eventually fixed one crane, but the other crane was never repaired until after I was discharged on Friday, March 23, 2001. The following Monday, AK allegedly brought in a manufacturer's technician to repair the defective crane.

During most of 2000 when I repeatedly attempted to report the defectives cranes and resolve the overloaded truck / unsecured load issues with management, I was involved in a safety infraction, with at least six other workers. In this incident, we had been installing a pump near railroad tracks when we failed to follow General Safety Order # 3 (GSO-0035-3). This GSO gives the safe procedures to be followed when performing work on or in the general vicinity of plant railroads and railroad equipment. According to the GSO, we called the Yardmaster for permission to work near the tracks, but we forgot the other two GSO provisions to install a de-railer and fluorescent cones. While I completely understood being disciplined for neglecting the cone and de-rail procedure, I questioned the reason that I was the only member of that entire crew to have received a 3-day suspension without pay for the infraction. [Refer to Document # 6, letter of suspension.]

It is my belief that I was singled for discipline in this incident because I had previously been very vocal in reporting the defective cranes and pushing for resolution of the overloaded truck / unsecured load issues over the previous months. In fact, I questioned my supervisor (Ed Tassej) about the reasons that I was the only one to receive a suspension. He claimed to have asked his superiors the same question. They told him that's the way it was going to be. End of story. [His approximate words.]

Unfortunately, incidents of using defective and out-of-service equipment are ongoing at AK Steel. Just a few months ago, AK management ordered a worker (a personal friend of mine) to remove a repair tag from an out-of-service mobile crane, perform a job with the defective crane, and then replace the repair tag. Of course this practice is against company policy, but it occurs nonetheless. [See Document # 4, "Armco's Safety and Security Handbook," section entitled Mobile Crane Operation #7, page 71.] Note: Documents # 4 and # 33 are the same Security Handbooks, except for page numbering. The Armco Handbook was in effect while I was employed there. AK subsequently printed their version (in June 2002) – using primarily identical wording as in the Armco version – except for pagination differences.

In March 2001, AK Steel discharged me for refusing to drive grossly overloaded and unsecured tractor-trailers throughout the mill. AK's written policy clearly mandates that "Operators shall operate their vehicles in strict conformance with all the provisions of the State Motor Code, both inside and outside the plant..." [Refer to Document # 1, "SHSP-0035-28." Emphasis mine.] My supervisor gave me a verbal order to drive grossly overloaded and unsecured tractor-trailers inside the

plant, clearly against AK's written company policy. I feared for my safety and that of my fellow steelworkers, in addition to being held criminally and civilly liable in the event of a catastrophe. Additionally, Armco's Safety and Security Handbook [refer to Document # 4, page 6] acknowledges that the company's written rules are "supplementary to applicable federal, state, and local laws and regulations. In the event of differences, the higher standard of safety shall apply." *In this case, the PA Motor Vehicle Code is the higher standard of safety.*

The main reason AK's in-plant transport methods are unsafe is because the in-plant road up to the Hilltop processing facility has an unusually severe grade with a 90° bend in the road. In transporting up or down that hill with an overloaded and unsecured trailer, a tractor power loss could cause the combination tractor-trailer to freewheel, possibly jack-knifing, overturning, and losing the load, with coils rolling down the hill. Certainly this could result in death or injury to the driver, or anyone in the vicinity – not just AK personnel, but outsiders as well. [Refer to Document # 26, the tractor manufacturer's warnings against overloading the trucks.]

AK Steel's primary defense for using overloaded trucks is because they are on private property (and AK claims that PA State Motor Vehicle Code does not apply to them). While AK does maintain a guarded entrance, AK employees are not the only persons who readily enter the AK plant. Vendors, outside contractors, sales people, and the food service and uniform rental suppliers enter daily – and even the general public can enter the plant at any time to purchase slag from Heckett Slag, whose building is located within the gates on AK property.

Also in question is an accurate definition for private property. This seemed to be a gray area because, after contacting the PA Attorney General, the PA State Police, and OSHA, each authority gave me a different answer as to the definition. Another consideration is the fact that AK Steel receives PA state funding for its in-plant railroad crossings, which brings into question a true private property status.

AK's repeated argument for not securing loads (with chains or straps) is because "electrical steel grade coils are susceptible to product damage from load binding." [Refer to Document # 38, a quote from Jerry Hesidenz, Director of Safety and Risk Management.]

However, AK neglects to mention that these same exact coils are later trucked out of the plant with chains or strap bindings. [Refer to Document # 40.] According to one AK metallurgical engineer, there is no structural or chemical difference in product composition at the end stage than when it is hauled in-plant.

If AK Steel believes that their unwritten policy of hauling overloaded and unsecured tractor-trailers is genuinely a safe practice, then they should include this in their written documentation, their Safety, Health, and Security Handbook and the Safety and Health Standard Procedures (SHSP-0035-28), in order to protect their operators. [Refer to Documents # 33 and # 1.] As it stands, AK Steel verbally orders drivers to haul overloaded and unsecured trucks, violating their written policy. In the event of any accident, AK has documentation to legally protect the company. In the process, the operator shall then be shown to have violated the company's written policies in hauling overloaded, unsecured trucks, also violating their PA Commercial Driver's License. [Interestingly, now there is sworn testimony (during my arbitration hearing) in which AK officials repeatedly admit to the unwritten policy of forcing drivers to haul grossly overloaded and unsecured tractor-trailers.]

Propensity for Tractor-Trailer Incidents

Mine is a valid concern because there is a propensity for vehicle mishaps like this. Before and since my termination, there have been several hazardous incidents involving both secured and unsecured loads shifting and/or rolling off the trailers, both inside and outside the plant. [Refer to Document # 40: Details of these incidents involving drivers named Dave Masartis, Rick Morando, Dan Reddick,

and Gary Namesnik are outlined in my letter to Robert Szymanski, dated 11-29-02.] [Also refer to Document # 21, which explains Masartis' suspension.] Additionally, a driver named John Zelerino was hauling a tractor-trailer down the Hilltop road on the 90° bend when the trailer unhitched from the tractor, and freewheeled down the hill and into a field.

For your reference: these steel coils weigh between 4,000 and 50,000+ pounds each. The overloaded trucks can weigh more than 130,000+ pounds, yet are only licensed at 73,280 pounds, according to PA State Motor Vehicle Code. *AK Steel's verbal orders to the Transportation Department are for its drivers to haul loads that are approximately twice the legal load limits.* [Refer to Document # 27, which details AK's licensing of the tractors at 73,280 lbs. with the Commonwealth of PA Department of Transportation.]

Interestingly, Arbitrator Irwin J. Dean, Jr., who ruled against me in my arbitration hearing in 2001 and upheld charges of insubordination (though I clearly obeyed AK's written policy), recently returned an award in favor of another Grievant who clearly violated work rules on an unrelated issue. Dean's award to the other grievant stated, "Although the Grievant clearly violated work rules with which he was familiar, the record strongly suggests that the Grievant's misconduct was provoked in substantial part by the supervisor's oppressive management style." [Refer to Document # 34.]

Unlike the other grievant, I was clearly observing AK's written policies, yet was fired and was subsequently ruled against in arbitration. *Prior to my discharge, my supervisor subjected me to the same "oppressive management style" and gave me an order in violation of company policy.*

In refusing to operate defective mobile cranes and to drive overloaded and unsecured tractor-trailers, I tried to protect myself from legal liability and was terminated for doing so. However, there was a prior case in which AK workers attempted to protect themselves from legal liability and were permitted to do so.

Two of AK's Truck Department mechanics, Ralph Geibel and Roger Stoner, who are PA-certified inspectors, refused to pass the inspection of three trailers severely damaged by excessive and repeated overloading. According to their PA certification, these 2 employees knew that if they had passed trailers that were defective they could have been held criminally and civilly liable in the event of an incident involving the trailers. These 2 workers were neither discharged nor reprimanded in any way for legally protecting themselves. I was not afforded the same protection.

The main reason I sought to protect myself by implicitly following AK's written policy is because of a prior truck incident that happened to me in June 1998, under Armco's management. During an in-plant haul, the truck I was driving rolled over when the unsecured load (a pinion gear) shifted during transport. Management, former Truck Supervisor, Rick Bofinger, gave me a verbal and written warning for not securing the load, saying that "continued behavior of this nature may lead to more severe disciplinary action, up to and including discharge." [Refer to Document # 3.] After AK Steel's takeover in 1999, and their implementation of a "zero-tolerance policy," it seemed I had no choice but to secure all loads – or face discharge because of the previous written warning I had received for not securing a load. AK Steel subsequently fired me for requesting to secure loads and for refusing to haul grossly overloaded trucks.

Interestingly, the day before my discharge, AK submitted a Daily Safety Contact sheet for all truck drivers to sign – to verify they had read the Contact. The Contact, dated 3-22-01, contained only two directives: "**Contact #1: Do not overload trucks, haul within legal load limits. Contact # 2: Secure all loads on all vehicles.**" [Refer to Document # 12.] After reading this Daily Safety Contact, I was more convinced that I needed to follow AK's written directives implicitly. AK Steel fired me for doing so.

Ineffective Union

Following the arbitration hearing, my grievance was denied on 11-30-01. My union, the Butler Armco Independent Union (BAIU), has refused my request to file an appeal in Federal Court. (Refer to Document #30.) A Union officer, Secretary Hank Leyland, told me that the Union does not file appeals in Federal Court on any discharge case. This should be the decision of the grievant, not that of the Union officers. Prior to my arbitration former Union president, Carl Nanni, sent a letter asking me to be present and to "cooperate with your Union in the presentation of evidence and arguments on your behalf at that time and place." [Refer to Document # 18.] Likewise, the Union should "cooperate" with me, honor my request for a Federal appeal on the Arbitration decision, and truly protect the rank and file members.

My understanding is that the arbitration process was established so the court system would not be flooded with labor disputes, and that is reasonable. However, I did not receive a fair and thorough arbitration – and now the Union refuses to file an appeal on my behalf in Federal Court. Labor law does not supercede U.S. Code, Constitutional Rights, or criminal and civil law.

A "Company-Owned" Union?

The Butler Armco Independent Union is ineffective against a ruthless company like AK Steel because the company "owns" the union, so to speak:

- ✓ The Union Hall is owned by AK Steel, on AK Steel property, within the plant gates.
- ✓ All the officers are on the AK Steel payroll, paid overtime wages without working overtime, and are paid holiday wages without being forced to work any holidays.
- ✓ The Officers are not paid by the Union general fund, as is the case with most unions.

Early in the week of my discharge I sought help from my Union because, in observing AK's tactics, I knew that my discharge was imminent. AK management had told me that I could not resort to "self help" prior to my discharge and during the subsequent arbitration. Yet, Union president Carl Nanni hesitated to offer assistance in any way prior to my discharge because he feared that AK would fire an officer as an intimidation tactic and an example to the rank and file because of upcoming contract negotiations. If Union officers were paid by the Union out of the general fund, then the officers would have no fear of retaliatory discharge from AK. As it stands, the BAIU is impotent against a company like AK Steel.

The Union Misrepresented Me Before

On February 25, 1998 I filed a Grievance (BU-98-024) with my Union regarding a daylight truck position that I should have been awarded because of my seniority and contractual rights. I spoke with then-Grievance Chairman Jack Lewis to discuss the validity of my complaint and grievance. Based on the facts, he assured me that I had a valid grievance. In fact, his reassurance was "I won't file a grievance unless I can back it by the Contract." Lewis wrote the grievance and contacted me for a signature. Within 2 months, I went to the Union office to check on the status of my grievance, only to discover that the Union had subsequently withdrawn this grievance – without my knowledge or consent.

Jack Lewis, one of two officers who had signed my grievance withdrawal, claimed that Paul Kelly (then-Union President) had made a deal with the company to award the daylight truck position to a woman with less seniority. When asked why he would rescind a valid grievance that he personally filed, Lewis claimed, "We as officers have the right to override the Contract at any given time." The woman, Nancy Mills-Marzullo, had threatened to file a complaint with the EEOC if she was not awarded the bid. In effect, my Union concluded that violating my contractual rights would be less difficult for them than dealing with an EEOC violation.

Because of the Union's actions and misrepresentations of me in this case, I became suspicious of the Union's fair representation of my interests, and its ability to challenge AK's continual disrespect for our Union's contractual agreement.

Possible Collusion Between the Union and AK Steel

During a grievance procedure at AK Steel, the usual and customary process is: Step I (Investigatory Meeting), then Step II (Works Management Meeting), followed by Step III, which is the final meeting to attempt a resolution before an arbitration hearing is scheduled. Then (and only then) a Grievance Record is signed and dated.

However, in my case the Company and the Union had both signed a Grievance Record [Document # 19, dated 6-1-01] five days before my Step III Hearing was held (on 6-6-01) and before a ruling was made (on 6-19-01). In other words, both parties knew that my Grievance would be denied at my Step III Hearing – before the Hearing had occurred. Before the Step III Hearing was held, both the Union and the Company had already begun preparations for an Arbitration Hearing. This substantiates my allegations of collusion between the Company and the Union, to deny me my contractual rights.

Additionally, in all three Steps, AK used portions of Document # 4 to substantiate their allegations of insubordination – yet did not mention the portions that would exonerate me. The Union failed to present Document # 1 and the portions of Document # 4 that would have clearly exonerated me. Because both parties withheld the same documents or portions thereof, this may also indicate collusion between the Union and the Company.

Union Counsel During Arbitration Hearing

Following my Arbitration ruling, I did a line-by-line review of my arbitration transcript. I believe that Mr. Jack Murtagh (the Union's legal counsel), in neglecting to address certain issues and in refusing to convince the Union to file a Federal appeal on my behalf, may not have followed several of the PA Rules of Professional Conduct. [Refer to <http://www.pacode.com/secure/data/204/chapter81/s81.4.html>.]

In the Arbitration, AK Counsel James Haggerty cross-examined me regarding AK's Safety and Health Standard Procedure [SHSP-0035-28, Document # 1], which outlines AK policy for drivers to abide by State Motor Code regarding overloading and securing loads, saying "You didn't even know it existed?" [Document # 23, page 160, line 4.]

At that time, Murtagh declined to recross me, and he failed to introduce the concept that the burden of ensuring that I had known about it rested with the company. Refer to Document #1, page 5, section 2.11, which states, "Annually, all employees who operate mobile equipment/vehicles must review this SHSP... [and other documents], and the section covering vehicles and mobile equipment in the Safety and Security Handbook." It is AK's policy to use employee signatures to verify employee awareness and company notification of policy. If AK's sole defense of this SHSP was that I never knew about it, Murtagh could have recrossed to mention AK's neglect to ensure that employees had reviewed the SHSP. This SHSP requires drivers to "operate their vehicles in strict conformance with all provisions of the State Motor Code, both inside and outside the plant." [Refer to Document # 1, page 4, section 2.9.]

In his opening statement, AK Counsel Haggerty referred to my case as one of "classic insubordination" [Document # 23, page 16, line 11]. Yet, Mr. Murtagh did not later counter that I was not insubordinate, because I followed the Armco Safety and Security Handbook's mandate for

operators to “operate Company or personal vehicles on company property or on local, state or federal highways for business purposes must comply with all State and Federal regulations, training, and license requirements.” [Document # 4, page 68, “Operation of Vehicle and Mobile Equipment.”] Also, the Handbook provides that the company’s written rules are “supplementary to applicable federal, state, and local laws and regulations. In the event of differences, the higher standard of safety shall apply.” In this case, the PA Motor Vehicle Code is the higher standard of safety. [Refer to Document # 4, page 6.]

In the Grievance Record [Document # 19, page 3, number 7(f)], the Union submitted the Armco Safety and Security Handbook [Document # 4] pages 76, 77, 78, and 79, which discuss insubordination, but the Union neglected to submit page 68, which details AK’s requirements for drivers to comply with state and federal regulations, both on and off company property. The Union also should have introduced page 71 [number 7], which details operator of mobile cranes to inspect each crane before use and to report and correct all deficiencies prior to use.

These omissions and Murtagh’s subsequent refusal to file a Federal appeal substantiate my allegations that Murtagh may have violated the PA Professional Rules of Conduct. Specifically he may have violated Rule 1.1 Competence, for not exhibiting thorough introduction of all pertinent defenses. As well, he may have violated Rule 1.3 Diligence, for not insisting that the Union file a Federal appeal on my behalf. Rule 1.3 Diligence explains that, “A lawyer should pursue a matter on behalf of a client despite opposition, obstruction or personal inconvenience to the lawyer, and may take whatever lawful and ethical measures are required to vindicate a client’s cause or endeavor.” The Union, in effect, became an opposition and obstruction to Mr. Murtagh because of AK Steel’s intimidation of the Union and threat of discharge of officers. Because Murtagh is retained by the Union, he failed to overcome the Union’s influence and opposition to file a Federal appeal of my Arbitration.

AK Causes Asbestos Exposure

During the summer of 2001, AK maintenance workers were given a job assignment in the Silicon Maintenance Department. Upon starting the job, a worker found what appeared to be asbestos, and notified the supervisor. The supervisor allegedly concurred but ordered the workers to perform the assignment anyway, saying AK Steel would test the material. However, the material was never tested until after completion of the job, when asbestos was confirmed as expected.

Workers filed a complaint with OSHA, but AK only received a citation not a fine. Later, Mr. Szymanski explained that OSHA could only give a citation for the incident because OSHA had not been present at the time to do an air-borne contamination test of asbestos exposure. After the fact, the level of asbestos exposure to which AK employees were subjected could not be determined. I questioned Mr. Szymanski, saying that since asbestos is known to be a federally regulated carcinogen, the job site should have been shut down immediately for clean up and removal by a certified asbestos removal team using stringent procedures. AK Steel failed to comply with federal mandates, yet OSHA did not fine them or forward the incident to proper authorities for criminal prosecution.

Locomotive Operator Killed

Approximately 8-10 years ago, steelworker Don Huff was operating a radio-controlled locomotive by himself as directed by the company at the Butler plant. He became trapped, his skull was crushed between two railroad cars at the couplers – and some time passed before his co-workers knew he was killed. OSHA investigated, yet made no procedure changes to force (then) Armco Steel to add more personnel to make that job safer.

One person remotely operating an entire locomotive is unthinkable, yet AK Steel continues this practice – even after an employee’s death. Operating a locomotive with only one person (a job formerly done by 4 – 5 employees) just to save money – is unconscionable. Injuries and equipment

damage using the one-man system has amounted to much more than the cost of the salaries eliminated.

AK Workers Allegedly Exposed to Toxic Substance Now Have Leukemia

In the past few days I was informed of an alleged toxic substance exposure in the Melt Shop department. Several steelworkers there have been diagnosed with leukemia, allegedly due to exposure to a substance used in department equipment. Allegedly, OSHA has done subsequent air contamination testing – but only under AK Steel's permitted time constraints. Allegedly, AK Steel changed air filters and did a general clean-up prior to OSHA's arrival on the scene. Once again, it seems AK is thwarting an accurate and thorough investigation by OSHA.

More Exposure Cases

Former AK steelworker, Phillip Vavro, (a personal friend) was chemically poisoned by a neurological toxin several years ago at the Butler AK Steel plant. Vavro is seriously ill, has had short-term memory loss, and neurological injuries. He has been in litigation for several years, despite the testimony of professionals who have helped to substantiate his case, and he has had to fight for his disability pension.

Another man, Robert Wells, (my neighbor), was employed by an AK-contracted company, hired to do a job at the AK Steel Butler plant. Wells was working on acid lines and, while performing the job, he was burned on both arms by the acid. Wells is now permanently disfigured and may have permanent nerve damage. Allegedly, AK Steel had the proper acid suits – but did not supply a suit to Wells because of the cost of cleaning it after use. Wells' civil case is pending. It is unknown to me if OSHA did an investigation of this incident.

AK Receives an Award?

In November 2001 while AK uses terrorist tactics and possibly violates numerous laws, risking the lives and health of its steelworkers, OSHA awarded Butler AK Steel the "VPP Star Designation Award," which exempts AK from random OSHA inspections. [See OSHA's web site at www.osha.gov/oshprogs/vpp/benefits.html.] OSHA knew of the aforementioned issues (and many more), yet it gave the VPP Award to AK regardless. What a tragedy – and a gross misconduct of the OSHA mission statement.

"The mission of the Occupational Safety and Health Administration (OSHA) is to save lives, prevent injuries and to protect the health of America's workers."

It is impossible to believe that OSHA has in any way followed its mission statement after the travesties that have taken place at the AK Steel plant in Butler, PA.

Ironically, while AK bullies and terrorizes its workforce, its Chairman and CEO Richard Wardrop, Jr., enjoys commendations and appointments. Recently he was appointed to the Advisory Committee for Trade Policy and Negotiations (ACTPN), which gives "policy advice on matters concerning objectives and bargaining positions on trade agreements." Wardrop has been recognized by industry publications and a national newsmagazine for having received numerous awards for safety and performance. [Refer to http://aksteel.com/events/event_detail.asp?e=45.] In 2000 Wardrop was selected by the National Safety Council to receive its first "Green Cross for Safety" Medallion while AK Steel and its contractors were assessed nearly \$100,000 in fines by OSHA for many health and safety violations at its Mansfield (OH) plant. [Refer to Document # 47.]

Unfortunately, Wardrop's recognition has been purchased by the blood, sweat, tears, anguish, and deaths of AK steelworkers.

Repeated Pleas to OSHA for Help

In November 2002 I called OSHA again, this time regarding my issues plus those pertaining to Keith Eckenrode's death. A man named Mr. Frank Leibrick stated that my complaints and issues did fall under OSHA jurisdiction, unfortunately it was then 1-½ years after the fact, and a formal complaint could not be filed because I was no longer an AK employee. Mr. Leibrick filed a non-formal complaint for me on 11-6-02. However, it should have been a formal complaint filed in 2000 or 2001 while I was employed at the Butler AK Steel plant.

After Leibrick filed my complaint with OSHA, his boss, Robert Szymanski (OSHA Area Director), took over the case. Szymanski contacted AK Steel to investigate my allegations. [Refer to Document # 37.]

AK Steel's representative, Jerry Hesidenz (Director – Safety and Risk Management), responded to OSHA with a letter detailing how the company allegedly "corrected" the violations. [Refer to Document # 38.]

OSHA's Robert Szymanski then wrote me, saying that AK took "the necessary steps to correct the hazardous conditions." Szymanski invited me to respond and rebut Hesidenz's claims of AK's resolutions of the hazards. [Refer to Document #39.]

Following Szymanski's request, I responded to OSHA on 11-29-02, and gave a rebuttal of Hesidenz's letter claiming AK supposedly resolved the hazards in my complaint. In fact, Butler AK Steel has not corrected the hazardous conditions, as erroneously stated by Hesidenz. His letter only explained to OSHA why AK drivers are ordered to haul overloaded trucks with unsecured loads. Hesidenz clearly detailed the exact transport methods that have been used for years and, indeed, that are still being utilized. [Refer to Document # 40.]

Nothing has changed at the AK Steel plant. AK drivers are still forced to haul overloaded trucks with unsecured loads throughout the plant, jeopardizing their personal safety and that of their co-workers and the public within the plant. AK's continuing practices of unsafe hauling can be substantiated by repeated testimony of company officials in my arbitration hearing. [Refer to Document # 23, the verbatim record of my arbitration hearing.]

During a subsequent phone conversation with Szymanski, he questioned the scope of OSHA jurisdiction and asked me to request in writing a written explanation from OSHA regarding why the overloaded and unsecured trucks issue supposedly did not fall under OSHA jurisdiction. [Refer to Document #41.]

OSHA Verifies My Complaints

OSHA's Philadelphia office responded to me in a letter from Assistant Regional Administrator Mr. Kenneth W. Gerecke, dated 1-16-03. In it, OSHA verifies in writing that the issues involving overloaded and unsecured tractor-trailers does, indeed, fall under OSHA jurisdiction. Moreover, Gerecke says, the "condition of the roadways in the plant must be appropriate for the safe operation of the equipment, and the loads must be adequately secured." [Refer to Document # 42.]

In that letter, Gerecke referred me to Mr. John McFee (a staff member) for further questions. In a later phone conversation, Mr. McFee said he had no explanation as to why OSHA did not file a complaint on my behalf while I was still employed at AK Steel.

Repeated Pleas to AK for Help

Before my discharge, my attorney and I sent letters to AK CEO Richard Wardrop [refer to Documents # 9 and 11] to inform him of my complaints and several other issues, but to no avail. I

also contacted Dr. Bonnie Hill, a member of the AK Steel Board of Directors, on 9-18-01, to inform her of the many issues, and she refused to become involved.

I contacted Ms. Brenda Harmon, Vice President of AK's Human Resources, on 4-9-01 to file a complaint, and she referred me to Mr. Rick Winter, head of Butler AK's Human Relations. I contacted Mr. Winter on 4-12-01 to file a complaint about the issues addressed in Document #11, as well as all the other documents. Mr. Winter called me at home on 4-19-01 to inform me he did not feel I had any claims.

Later in my arbitration hearing, Bill Gonce (AK's Industrial Relations Manager) was asked if AK Steel had received letters from my attorney and from me, and he stated that they had. When asked if AK had responded to those letters, he stated that the AK legal department informed him there was no need to respond to my inquiries and concerns. According to this information, I believe AK Steel had intended to discharge me.

Local Official Cannot or Will Not Intervene

After my discharge, I wrote to Butler County (PA) District Attorney Tim McCune, apprising him of the numerous incidents of gross negligence and the hazardous conditions at AK Steel Butler Works. [Refer to Document #28.] I also sent him Document #11 and the Union brief from my Arbitration hearing.

McCune's response was that, in his opinion, the PA Vehicle Code restrictions did not apply to AK Steel's in-plant hauling practices. Furthermore, in a subsequent telephone conversation with me, he not only refused to help but he stated that "unless there's a fatality, I'm not coming in there."

Since his phone conversation with me, there has been a fatality at AK Steel, and, to my knowledge, D.A. McCune has yet to investigate AK's responsibility in Eckenrode's death.

Corporate Criminal?

In recent news, it is shameful to see how corporations like Enron, WorldCom, and others can destroy employees' and investors' financial well being. Thankfully President George W. Bush, in his recent State of the Union Address [1-28-03], has promised corporate reform to "insist on integrity in American business...holding corporate criminals to account."

AK Steel – while not robbing shareholders – is a corporate criminal for allegedly terrorizing, intimidating and abusing employees, extorting jobs, manipulating the system to circumvent OSHA law, labor law, criminal and civil law, Constitutional rights, and the U.S. Code – all while polishing its PR façade.

The Butler plant, when formerly owned by Armco Steel, was one of the best steel-producing plants in the U.S. and quite possibly the best in the world – for decades. The Butler plant allegedly carried the entire corporation for a time. Under AK Steel's alleged mismanagement, however, the Butler Works is now operating at a loss for the first time in decades. In 1999, in fact, the entire corporation saw a \$264.3 million loss, resulting in the lowest stock prices in four years. [Refer to Document # 48.]

While AK Steel's profits were "down by 42 percent," AK's CEO, Richard Wardrop's salary "increased by more than 100 percent." [Refer to Document # 49, *Dayton Business Journal*, 6-26-00, page 2.] Wardrop enjoys an annual salary of \$8.8 million [Document # 44], while running our corporation into the ground. In fact, Forbes.com recently ranked Wardrop in the top five worst-value CEOs in corporate America, when comparing CEO salaries with company loss/profit – or, ranking "the best boss for the buck." [Refer to Document # 50, *Forbes.com*, 4-26-01, www.forbes.com/2001/04/26/ceoindex.html.]

AK Steel has the power to destroy employees' livelihood, conspire against them, and extort jobs. It happened to me – after I refused to follow a verbal order that violated company policy and PA Motor Vehicle Code, as well as violating common sense and good judgment. AK Steel made an example of me.

Steelworker Keith Eckenrode's death is additional proof that AK Steel fails to provide a genuinely safe work environment, and uses dangerous and questionable policies and procedures, despite what their corporate PR department claims.

According to PA Attorney General Mike Fisher, "There is no more important function of the government than the *protection of the people's rights and property against those who have no respect for the law nor for the security of others.*" [www.attorneygeneral.gov/around/mission.cfm, quote posted 1-21-97. Emphasis mine.]

It is obvious to all of AK Steel's present and former employees that AK Steel has no respect for the law – and less respect for its human resources. The only way AK Steel will change its policies and tactics is if a law enforcement agency and the subsequent prosecution forces them to do so.

Other agencies and entities seem inadequate or ill equipped to face this corporate nemesis. AK Steel's CEO Wardrop, in fact, disregarded ten United States Congressmen from Ohio, when they asked to meet with him to discuss AK's impact on the community following AK's 3-year lockout of its Mansfield (OH) plant employees. [Refer to Document # 46, page 2.]

Thank you for your prudent consideration to this letter. Thousands of steelworkers – and thousands of their spouses and children – are counting on you and the Department of Justice for a fair and thorough investigation of all these matters. *Not only is it a matter of livelihood, but it is also a matter of life or death* for AK Steel employees still working at the Butler plant.

You and your Department, and law enforcement agencies are the only forces capable of taming this unchecked, seemingly untouchable corporate terrorist, AK Steel. The Department of Justice has a responsibility to intervene in this dire situation on behalf of the tens of thousands of men and women terrorized by this corporation and its CEO.

Please give us some hope for investigation and resolution of these policies and practices, and alleged violations. Remember that each death, injury, suspension, and firing not only impacts employees, but also wives, husbands, children, and loved ones.

My wife and I, and our 2 teenage daughters have been robbed of my livelihood and a portion of my retirement. AK Steel has altered my children's futures forever, while thousands of AK steelworkers and their families live in fear for their futures.

They are counting on you. **We are all counting on you.**

Sincerely and gratefully,

Joseph Myers
724-482-4726

CC:

- **Honorable George W. Bush:** President, United States of America
- **Honorable Elaine Chao:** Secretary, Department of Labor
- **Tom Ridge:** Secretary of the Department of Homeland Security
- **Robert Mueller, III:** Director, FBI
- **Benigno G. Reyna:** Director, U.S. Marshals
- **John A. Boehner:** Chairman, Committee on Education and the Workforce, U.S. House of Representatives
- **Ed Rendell:** PA Governor
- **Mike Fisher:** PA Attorney General
- **Arlen Specter:** U.S. Senate (PA)
- **Rick Santorum:** U.S. Senate (PA)
- **Phil English:** U.S. House of Representatives (PA District 3)
- **Mary Jo White:** PA State Senate (21st District)
- **Guy A. Travaglio:** PA State House of Representatives (11th District)
- **Alan McMillan:** President, National Safety Council
- **Pennsylvania Governor's Award for Safety Excellence Committee**
- **National and Local Media:** television and print

"All that is necessary for the triumph of evil, is that good men do nothing." – Thomas Jefferson