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Associated Press

## Worker Alleges UPS Discrimination in Suit

08.13.2004, 09:30 AM

United Parcel Service Inc. discriminates against workers who take some prescription drugs and wrongly fired a woman who suffered from anxiety and depression, the woman and an advocacy group said in a lawsuit.

Darlene E. Veltri, a 17-year UPS employee, said she was fired in January 2003 after a company drug test discovered the anti-anxiety drug Xanax in her system. She was prescribed the medicine by her doctor, she said in the federal lawsuit filed in Pittsburgh.

The UPS Employee Assistance Program made Veltri disclose her prescription medication and stop taking Xanax - against the advice of her physician - as a condition for returning to work, the lawsuit states. Veltri claims that created a hostile work environment and amounted to harassment based on her disability.

The suit seeks to represent various groups of employees in a class-action: those in an Employee Assistance Program who had to disclose what prescription medicines they take; workers made to supply urine samples that were tested for legal prescription drugs; workers the company prohibited from using physician-prescribed medicines; workers fired for using those prescriptions; and workers subjected to a hostile work environment for using prescribed medicines.

Veltri said she was prescribed low-dose Xanax for chronic anxiety and clinical depression in 1999. The lawsuit said UPS officials determined that Xanax was not an appropriate drug for a recovering alcoholic to take, and that Veltri went through a 30-day treatment program for alcohol addiction in 2000.

Pittsburgh-based lead attorney for the case, Charles Lamberton, said the message being sent to UPS is simple: "Stop playing doctor."

Malcolm Berkley, a spokesman for UPS in Atlanta, said the company is aware of the suit, which was filed Aug. 5, but he declined comment on it Thursday. UPS has an anti-discrimination policy and wasn't unfair to anyone with a disability, he said.

The American Association of People with Disabilities and Veltri are seeking lost pay, benefits and compensatory damages on her behalf and other unnamed employees who don't perform "safety-sensitive" jobs like driving.

UPS has 350,000 employees, 260,000 in nonsafety-sensitive jobs, the suit states. Veltri worked as a package sorter at a UPS facility in New Stanton when she was fired.

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