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Ex-workers: Coca-Cola retaliated for lawsuit

Claim had alleged firm didn't pay overtime wages

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RANCHO CUCAMONGA - A little more than a year after several employees at a Coca-Cola distribution center filed lawsuits alleging Coke has shorted its workers millions of dollars in overtime wages, two of the plaintiffs say the company has retaliated by firing them.

Dean Smith and Frank Rodrigues, both of whom worked until recently as district sales manager at Coca-Cola's Sixth Street distribution center, say their firings culminated a year-long ordeal of abuse and harassment at the hands of company officials.

"The message Coke is putting out is that if you speak up against the company, they're going to get rid of you," said Rodrigues, who was fired March 19 for what officials told him as a misuse of marketing funds. "They'll put you first as long as you keep your mouth shut."

Smith and Rodrigues were two of seven district sales managers who are named plaintiffs in three lawsuits filed in West Valley Superior Court in early 2002 that allege management at the sales center ordered them to shave overtime wages from the paychecks of hourly employees, failed to pay district sales managers for overtime hours worked and retaliated against employees who tried to bring what they saw as illegal practices to light.

The lawsuits are still pending.

The recent firings and the recent resignation of another district sales manager involved in the lawsuits -- which allege that Coke has cheated its employees in California out of as much as \$200 million in wages -- have whittled the number of plaintiffs who still work for Coke to just two.

"Coke has had its heart of getting rid of the threat these plaintiffs represent," said their Oakland-based attorney **Scott Cole**. "They found some pretexts to justify something they wanted to do for a long time."

Coca-Cola officials have consistently denied wrongdoing.

"No one at Coca-Cola is subject to retaliation for cooperating with the company to determine if management follows all law and regulations," said Bob Phillips, a vice president of public affairs for Coca-Cola Bottling of Southern California. "We've investigated these claims of retaliations and we believe they're completely without merit. Any decision that was made about the named plaintiffs is absolutely unrelated to any complaints they may have made."

The fired employees say it was so clear that they were targeted by management that, in a moment of gallows humor, other rank-and-file employees formed a "termination of employment" gambling pool in which employees bet on who would be fired next.

That was the last straw for district sales manager Ron Carter, who tendered his resignation March 21.

"All we've wanted is for them to correct the problems," said Carter, who is one of the seven district sales managers named in the lawsuits. "But they've spent more time going after us than

fixing the problems."

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