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US Labor Department files suit against First Student Inc. on behalf of Syracuse, NY, school bus driver allegedly fired for raising safety issues

NEW YORK - The U.S. Department of Labor has filed suit against First Student Inc., headquartered in Cincinnati, Ohio, and a former local manager for allegedly firing an employee of the school bus transportation service's Syracuse, N.Y., branch who was discharged in October 2007 after raising safety and health concerns to the company.

The worker filed a whistleblower complaint with the Labor Department's Occupational Safety and Health Administration alleging retaliation by the defendants in violation of Section 11(c) of the Occupational Safety and Health Act, which prohibits discharge or other retaliation against employees for filing a safety or health complaint, or for exercising a wide range of other rights afforded to them by the act.

OSHA's investigation found merit to the worker's complaint, and the agency sought reinstatement, back pay and benefits for the worker from First Student Inc. and Thomas Waldron, former contract manager at the Syracuse location. The complaint, filed in the U.S. District Court for the Northern District of New York, seeks a judgment ordering all appropriate relief for the worker, including reinstatement, back pay with interest, and compensatory and punitive damages.

"It is unacceptable for employers to retaliate against employees who raise safety and health concerns," said Robert Kulick, OSHA's regional administrator in New York. "Employers will be held accountable if they violate workers' legal right to have a voice in the workplace on health and safety."

The lawsuit also seeks to permanently enjoin the defendants from future violations of the whistleblower provisions of the OSH Act and require them to post and comply with a prominently located workplace notice that they will not discriminate against employees who engage in activities protected under Section 11(c) of the OSH Act.

OSHA enforces the whistleblower provisions of the OSH Act and 16 other statutes protecting workers who report violations of various trucking, airline, nuclear power, pipeline, environmental, rail and securities laws.

Detailed information on employee whistleblower rights, including fact sheets, is available online at: <http://www.osha.gov/dep/oia/whistleblower/index.html>.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to assure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.

Editor's Note: The Labor Department does not release names of employees involved in whistleblower complaints.

Solis v. First Student Inc. and Thomas Waldron
Civil Action File Number: 10- cv - 426