

DIABETES



A D V O C A T E

PROVIDING THE LATEST NEWS FROM ADA'S GOVERNMENT AFFAIRS AND ADVOCACY DEPARTMENT

Back On The Job

Two United Parcel Service workers take a stand against diabetes discrimination—and win.

For 14 years, John Steigauf held a steady job as a journeyman mechanic with the United Parcel Service (UPS) in Bloomington, Minn. Journeyman mechanics at UPS work on equipment with engines, as opposed to trailer mechanics, who work on equipment that cannot be driven.

Milt Klise held a similar job with UPS for 16 years near his hometown of Orient, Ohio.

That all changed when the men started using insulin to treat their diabetes. Neither man's job involved interstate commercial driving. Still, UPS required all of its journeyman mechanics to meet federal commercial driving standards.

At the time, these standards prohibited people who use insulin to treat diabetes from obtaining Department of Transportation (DOT) medical certifi-

cation. As a result, Klise and Steigauf were sent home and told they could no longer work as journeyman mechanics for UPS.

Both men filed complaints with the Equal Employment Opportunity Commission (EEOC) arguing that UPS's actions in applying the federal driving standards were unlawful. While their claims proceeded, Klise was out of work—without pay or insurance—for nearly a year. Steigauf went without pay or benefits for more than 6 months. Both eventually returned to work for UPS in lower-paying trailer mechanic positions that came with overnight shifts, different locations, and reduced pay and employment benefits.

Steigauf says that even with “an awesome support group,” the hardest part of the ordeal was the uncertainty about



whether he would ever be able to return to his journeyman mechanic position. “How much longer do I cling to hope?” he said he asked himself.

Added Klise: “It made me feel worthless, like I was just a number. It was hard to feel like your job is secured, and then to

have to start all over when you're in your 40s. I felt like all my years of service to UPS didn't matter at all. All they saw was diabetes."

The nightmare lasted 3 years for Klise and 2 years for Steigauf. Both men wanted their original jobs back, but were blocked by an employer that continued to insist that they needed federal DOT driving certification to work as journeyman mechanics.

In 2003, as a result of years of advocacy by the American Diabetes Association, DOT initiated the Diabetes Exemption Program, ending the blanket ban against insulin use in commercial driving. People could receive exemptions to operate commercial vehicles if they met certain health and safety standards.

Still Stuck

Still, a problem remained: There was a provision in place that required exemption applicants to have driven a commercial vehicle while using insulin for at least 3 years. This criterion was impossible for most people to meet because the only way to get the requisite driving experience was to live in a state that allowed intrastate driving by people who used insulin. And even in those states, intrastate driving jobs were few and far between.

Of course, it was impossible for Klise and Steigauf, who were mechanics and not drivers,

to get the required experience.

So ADA rolled up its sleeves and went back to Congress. Victory came in 2005 when Congress passed legislation that eliminated the 3-year requirement and opened up the exemption program to people such as Klise and Steigauf.

"Congress's action is important not only to people with insulin-treated diabetes who are seeking to work in the commercial driving industry, but also to employers and people in many other industries who look to the government's standards in their workplace," said John Griffin, chair of ADA's National Legal Advocacy subcommittee and a leader in fighting diabetes-based discrimination. "Any time a wall is torn down—as this provision has done for commercial driving—it will have a profound effect."

The new law has already changed the lives of Klise and Steigauf, who both received government-approved diabetes exemptions in August 2006 and shortly thereafter returned to their original mechanic positions. And they aren't alone.

Since Sept. 2, 2005, more than 100 people with insulin-treated diabetes have received exemptions to work in the commercial driving industry. Another 66 have received preliminary approval

and are awaiting final decisions by DOT. Prior to the rule change, more than 60 people were denied exemptions—the majority because they did not have 3 years of driving experience while using insulin. Most people didn't even bother to apply.

ADA's legal advocacy staff and volunteers continue to work with people with diabetes who are seeking an exemption. They are also working with employees such as Klise and Steigauf who, while getting their old jobs back, are pursuing their EEOC claims to regain employment benefits lost while they were out of work and forced into lower paying positions.

Griffin said he applauds Klise and Steigauf for their commitment to their cause. "These are two good men who took a stand so others won't have to endure what they went through." Both men have become enthusiastic diabetes advocates, even attending ADA's Call to Congress last June.

"Sadly, there is still far too much diabetes-based discrimination in the workplace affecting people like John and Milt," Griffin said. "We must remain committed to improving the lives of all Americans with diabetes by eliminating discrimination wherever it exists."

for more information

Employees seeking more information about the commercial driver's license exemption can visit diabetes.org/CDL or call 1-800-342-2383.