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Foundry worker who sp

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By Thomas B. Debley
Staff writer

OAKLAND — A man who last week sued a San Leandro foundry over alleged PCB exposure was fired by the company earlier this year for complaining to state health and safety officials about working conditions, it was learned Monday.

Michael D. Boles, 33, of San Lorenzo, filed the Alameda County Superior Court suit against Precision Founders Inc., which is appealing 21 citations issued by the state Division of Occupational Safety and Health for violations of health and safety standards.

Meanwhile, a second employee filed a lawsuit Monday against the company, also alleging exposure to PCBs — polychlorinated biphenyls — while working at the foundry.

Alton L. Baxley, 27, of Hayward, and his wife, Helen, allege he was exposed to leaking PCB the day after Boles from the same capacitor. Their lawsuit seeks unspecified damages and asks for punitive damages against the company.

Baxley is still employed by Precision as a maintenance mechanic.

Boles is the man who complained — anonymously at first — to the state agency and triggered the probe leading to the citations, his attorney, Paul C. Jess of Sonoma, said in a telephone interview.

That led to Boles' firing last April 20 — just days after inspectors began their investigation with a court-ordered search warrant issued when company officials refused to let investigators into the plant, Jess said. The lawyer said Boles was fired ostensibly on grounds of insubordination when he refused an assignment he believed jeopardized his safety.

A subsequent ruling by a state labor commissioner in May ordered

arked PCB probe fired

Boles reinstated as a maintenance mechanic and given back pay after a finding that Precision Foundry officials fired him because of the safety complaint he had made, according to Jess.

That decision was confirmed Monday by Deputy Labor Commissioner Nancy Kleiber, who made the finding and ordered Boles reinstated with back pay last May 15.

Jess said the company did not appeal the finding. He said his client received his back pay but declined reinstatement because he feared for his safety on the job.

The lawyer said he expects to file a wrongful discharge lawsuit against the company seeking punitive damages for Boles' firing.

Precision Founders Vice President Frost Prioleau said Tuesday he thought some violations surrounded the "bag house," a facility where dust particles are collected from the company's operations. He then recanted, saying he did not recall if occupational safety hazards were found there.

"That is not uppermost in my mind right now," Prioleau said.

He said of the 21 citations issued, the company had corrected those that were "easy to correct" and appealed all the "more difficult problems."

The specific event that led to the firing was Boles' refusing an order to clean the foundry's bag house, according to Jess. He said Boles refused because he did not consider the bag house a safe place to work.

Ms. Kleiber, in ordering Boles' reinstatement, found that the work order was part of discriminatory treatment against the employee after company officials learned he had complained about working conditions to safety officials.

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