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The man says he was targeted because of his ethnicity. Jurors award him \$1.3 million.

By DONNELLE ELLER

REGISTER BUSINESS WRITER

A former Firestone worker in Des Moines who claimed members of a local Steelworkers union harassed him because he's Hispanic won a \$1.3 million federal jury award against the union Wednesday.

"I fought for what I thought was right," said Robert Eliserio, who filed the federal lawsuit against United Steelworkers of America Local 310 in 2001. "The jury sent a message that the union needs to change."

Mark Bay, an attorney representing Steelworkers Local 310 in Des Moines, said the union would appeal the decision. "We respect the jury system, but we strongly disagree with the verdict," Bay said. Local union leaders declined to comment.

Lawyers said the jury did not find that the union retaliated against Eliserio, who was one of 600 workers who crossed a strike picket line in 1995. But jurors did find that the union was liable for harassment that it instigated and approved, said Eliserio's attorneys, Paige Fiedler and Thomas Newkirk of Des Moines.

Eliserio alleged the union sought to suppress his complaints through intimidation. "The more I complained, the more I was harassed," he said.

The 14-year tire inspector left Firestone in 2002 because of a hostile environment caused from the harassment, said his attorneys. He also sued Firestone but reached a settlement with the company.

It was alleged that Eliserio was repeatedly called "Taco Bob" and "Burrito Bob," among other slurs, faced union members who wore "no rat" stickers after Eliserio complained to Firestone, and confronted graffiti up to 3 feet high on restroom walls that said "Raterio" and other epithets.

Bay claimed union leaders tried to discourage the graffiti and even removed it from bathroom walls.

Newkirk said a \$41 receipt showed the union purchased 200 "no rat" stickers in 2001 to intimidate Eliserio and send a message to workers that they shouldn't cooperate in an investigation into the alleged harassment.

"It was a union message that enabled and agreed with the use of a racial pet name," said Newkirk, who added that the jury awarded \$440,000 in punitive damages "to let the union know you can't ruin someone's life for \$41."

The union claims the "no rat" stickers were an attempt to get workers to stop filing petty complaints with the company. But Newkirk said the union purchased only enough for employees who worked near Eliserio and not the entire plant, which employs about 1,300.

He said the stickers encouraged a "circle of silence" that fostered continued harassment.

Bay, the Steelworkers attorney, alleged that Eliserio introduced himself as "Taco Bob" before a 10-month strike in 1995.

A striking worker who returned to the plant in 1997 called him by that name "not knowing that he no longer found it acceptable," Bay said. The worker was fired when a supervisor overheard, but the union fought and won his reinstatement in 2000.

Fiedler said jurors failed to believe witnesses who testified that Eliserio, the grandson of Mexican immigrants, asked to be called by an offensive name. "It's like saying a woman was asking to be sexually harassed because she wore a short skirt," she said.

Eliserio said it was the union's belief that he "would accept -and like -the harassment" that made him determined to stick with the lawsuit for four years. He said he was so concerned that he purchased a gun and obtained a concealed weapon permit.

Eliserio, 44, is now a truck driver living in Jefferson. He said what's most important about the verdict is the message that it sends to his three children and other workers that "they don't have to be intimidated and work in an environment that's harassing."

Photo_By: ASSOCIATED PRESS: Filed suit: Robert Eliserio was working for Firestone at the time of the incidents that led to his case.

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