



**James “Jamie” Hoyt, killed in a workplace accident on
November 30, 2012.**

**Workers’ Memorial Day
Interview with Mike Hoyt, brother
Mary Jo Hoyt, sister
Anne Hoyt, sister
Stephen Benjamin, co-worker**

**Work Environment Council of New Jersey
April 24, 2016**

Mike, tell me a little bit about your brother. What was he like? Tell me about him.

Mike--He was a middle child in a family of six. He was kind of, extremely independent, took care of himself. He was kind of a workaholic. He loved to work. He had a little bit of mischief in him. He used to go run off from high school to go work in a factory, as a matter of fact. He was a voracious reader, very smart. He was very interested in politics. He was deeply interested in baseball. He was a good guy. He was lot of fun and we miss him.

Tell me about your brother’s work ethic.

Mike--Jamie was, he just always worked. Our family sort of dissipated a bit and he sort of took care of himself in a way. He was a middle child. He just sort of always worked. He was a very hard worker and loved it and after college, he went to New Orleans, just sort of picked New Orleans and found his way to a big grain company down there. He went from pushing a broom, up to like number three in the whole factory. He was in charge of loading ships and so forth. He loved to work.

Tell me about the fact that he was doing temp work. How did that happen? What was he doing and how did he end up doing temp work?

Mike--Well he had this, he was, as I said, Jamie was loading giant ships. He had this great career, but he also had a problem with drinking and as a result he had a problem with DWI, and a judge in New Orleans put him in jail and that was the end of his career there. And he got out and he came to New Jersey and he lived with me for a while and he decided he quit drinking; he was, in fact, I was able to give him his ten year AA pin. He was totally done with that and he had decided he wanted to be a nurse. He wanted to help people. He had a spiritual side. He really was kind of spiritual and he wanted to help people and he went to nursing school to get an LPN license and he got it. He graduated top of his class and they gave him an award. We have a picture of it which we can show you of his “Best Patient Advocate” and he did

that while working at an old folks home. Once he got out and got his nursing license he had a lot of trouble getting work and I think probably the jail record was a problem and that's why he got through with Labor Ready to pay the rent.

Tell me what he was doing? What was his job as a Temp Worker?

Mike--You don't have a job as a Temp Worker. You don't know what you are doing from day to day. One day he is loading tires. One day he is building shelves. One day he is sweeping out a warehouse, so it was different every day. He didn't know in the morning when he went.

What happened on the day that he passed? Where was he working and what was he doing?

Mike--He was with three other temp workers, three or two, anyway he was up in Orange County at a Mall in Orange County at a Verizon factory where they were shipping high speed computers to other parts of the country. He was part of the operation to load them from the loading dock to---as it turned out they had an improper loading dock. They had a small loading dock and the big truck wouldn't fit, so they got a small one. And they loaded these things, these things weighed like 2,800 pounds. They looked like little miniature World Trade Center Buildings. They are tall and kind of unstable by nature. I think our opinion is if it had been done right, they would have taken the racks apart and loaded them one at a time, but that's not how they do it. They put them on these little bitty wheels and they rolled them into the small truck and took the small truck into the parking lot of this, it's called Blue Hills Mall, I think, and they had the trucks back to back and they were just going to bring these loads across two lift gates up in the air into the other truck.

Mary Jo—Supervised by a truck driver.

Mike—Supervised, yeah by a truck driver who was probably winging it because normally they go right into the truck. I mean, I think they should have been taken apart in the first place, at the least that the lift gate should have been on the ground. They were in the air. Three of them went across okay. One of them, the load shifted somewhat, they adjusted one of their lift gates. It began to roll, the adjustment had created a gap. Jamie's foot got caught. His leg got caught and the thing just rolled inexorably toward him and fell on him and, you know, crushed him. They couldn't. They couldn't. They tried to rescue him. They couldn't lift it off. They tried to use jacks. They tried to push it, but the cardboard casing would rip off. They just weren't able to help him.

You went in, Anne, you said you went to that location to look at it. What did you see? What happened? Tell me about that?

Anne--I went to the parking lot. I think the town was Pearl River, New York.

Mike—Yeah.

Anne--And it was a big industrial parking lot complex. It was empty when I went, but I could still see the markings on the pavement where they had marked where the trucks were. The police had been there and done a report. So it just, I wanted to see for myself where it happened. It just struck me that this was an amateur; they were in the middle of an industrial parking lot loading two trucks without much supervision. I went inside because I wasn't sure what had happened. I went inside and went into a store and I said, "Do you guys know what happened? Did you hear? Could you tell me where it happened?" And the person was visibly upset because she remembered what had happened. She drove me out and showed me in the parking lot where it happened and I looked at the loading docks and saw that indeed the truck wouldn't fit and actually went to the police station and talked to the police officers that filed the report. They were on the scene and they were also shook up and very helpful. It was clear to them that something went wrong that should not have happened. That this should not have happened and they couldn't understand why it was being loaded in the parking lot. So, I also went to the County, I guess it was, I am not sure the name of the office, but they-

May Jo—Sheriff.

Anne—You know, they, I needed to see. I looked at the pictures of him it was very tough, very tough. He had been crushed, so that will stay with me, but I felt like I owed it to him to see exactly what happened.

Did you talk to some of the co-workers also?

Anne--I didn't, but my brother Mike did.

Mike--I did, one of them is sitting here, Stephen Benjamin. I had a long conversation with him and he filled in the details. They were, he had been nervous about the job from the start. He said they were on these little itty bitty wheels and even inside Verizon the guy was worried about his tile floors because these things are heavy, 2800 pounds, and they are sort of naturally unstable, so, and you know the whole thing, I really think the truck drivers were just were winging it and Stephen said to me on the way down, as if they were moving refrigerators or dryers that weigh much less. This thing weighs as much as a car.

Mary Jo-- I think one of the frustrating things for us, you can see how little power there is for the day laborers because, you know, the servers belong to a huge multinational corporation, but they subcontract to the trucking company and the trucking company subcontracts to a truck driver, and the I may not have this exactly right, but it drifts so that in the end you have a day laborer moving 3,000 pound equipment and there is really no accountability. He's a contract worker, everybody

involved that day is really kind of a contract worker by subcontract, subcontract, subcontract, so that you're powerless.

Mike—So, all the risk goes to the temp worker and nobody has a real stake in safety. They show them a film before they leave, but it's mickey mouse film.

Mary Jo—I would add to that, OSHA was very interested in this case and very upset about it. But the end result of the OSHA investigation was a \$2,800 fine, which I think speaks for itself. It's meaningless.

What did the employer do after the event? Did they contact you at all? Did you hear anything from the employer?

Mike--I am trying to remember. I think I called them, I somehow got in contact with the attorney who was for Leady Ready, who, some guy in California, who really didn't know much and was sorry and all that. But no, we didn't hear much from them.

Mary Jo-- I will say their employees that interacted on a daily basis with Jamie were really devastated. The secretary and the people that assigned-

Mike--At Labor Ready.

Mary Jo—At Labor Ready.

Mike—That's true.

What did they have to say to you about it?

Mary Jo--I don't recall.

Mike—They were basically upset, yeah they were just upset.

Anne—They came to the funeral. They were very upset.

How did you find out? How did you hear that this happened?

Mike-- I was at a wedding in Florida and got a call that, I guess the first message was that Jamie had, they wanted me to know that a computer had fallen on Jamie, so I thought take a Motrin and go back to work. But as it became more and more clear and as we talked to each other, I think it was you that went up, right?

Mary Jo—I called the emergency room when I found out where he was. Anne was traveling with her family to Hershey.

Anne--I wasn't far; I had just started.

Mary Jo--She wasn't that far, but I was the one who was there in New Jersey, so I called the emergency room and she said the situation is very grave. The family should come immediately and so I knew then that, I'm a nurse, I thought this is over, it's terrible and so I called Anne to come back.

Anne—She called me in the car and said you should go. So we immediately turned around and we actually got there first with my husband and my two kids and went into the emergency room and asked the nurse about his name and I just knew by the look on her face and she said, why don't you wait in this room, and that's when I just knew that they wouldn't put me in a room if they didn't have a reason to tell me some bad news. I was expecting it, but it was still quite a shock to have gotten a call at first that said something fell on Jamie's head, and you envision a scratch and maybe he has to get some stitches, and to go from that within a space of an hour to realize that he's just gone. It was hard to absorb.

Mary Jo—It was hard to absorb and a horrible story to think that he died that way, It's just...

Anne—Yeah, I think the one thing that came to mind is just not relating to that, I guess the first memory and I guess the best memory. I hadn't seen Jamie, I think in maybe a month, I missed Thanksgiving holiday that year and it was right after Thanksgiving that he died, and he had come to dinner at Mike's house and Mary Jo was there.

Mary Jo—He talked about gratitude.

Anne—We remember they shared the last thing they remember him saying, going around the thanksgiving dinner table everybody Mike asks his kids to share what they are grateful for.

Mike--Which they hate--

Anne --Which they hate. Jamie went last and he said very simply, you know, "Gratitude is..."

Mike—A wonderful thing

Anne—is underrated." That's just who he was. He was grateful for what he had.

Mike—He was a real optimist. He was very feisty. He never gave up. He was a good guy.

You first found out about New Labor from I believe from going to see the Temp documentary. Can you tell us a little bit about what made you come to that and be here today?

Mike--I think one of us saw something about the movie. Was it you?

May Jo—Yeah, I work at Rutgers and I think something about the showing of the movie was on a Rutgers list serve email communication and I said oh, this is right up our alley. And so I emailed it around to all of us. I think we talked to Mary and Tim, and we agreed we would like to see the movie and show up and see who this group was and then afterwards we introduced ourselves to Louis is his name and told him about Jamie before we left that night.

Mike—The movie, by the way, was I thought fantastic and what it crystallized for me was about how this, the rate of accidents, is not an accident, it's a pattern because it's structured that way. There's nobody with a stake in safety, really for these temp people, that all the risk is shifted to them.

If you can speak a little more about that? Will this kind of temp work lead to these kinds of things? You are here today to march and to rally. What do you think will happen?

I don't know what's going to happen. I understand the temp industry is growing like crazy and it really needs to be heavily regulated, in my opinion. It's sort of, it's an accident waiting to happen. It's more accidents waiting to happen. I would think it probably represses wages a lot, but and also it's going to lead to more people like Jamie losing his life for no real reason. This was just amateur hour and if somebody had a stake and if somebody was accountable they would have made sure that that was done in a safe manner. The best practice would have been to take it apart, take the whole thing apart, that would have been the best practice, but there was four steps along the way where this was unnecessary and nobody's in a position to enforce that. So, all the risk goes to these guys getting the minimum wage or not much more than the minimum wage.

Anne—I think one way of changing it is just shine a spotlight on it like you are trying to do. Because unless it cuts into the corporation's profits I don't think, you are not going to have an incentive to do anything differently. But if they can be exposed and the stories can be told, I think that might be a first step, a big step.

Interview with Stephen Benjamin

Stephen, you were there when this happened. Tell me what happened?

Stephen--Well, we were transporting servers from Verizon from the Pearl River Hilton Hotel and the units had to be moved from the fourth floor, down an elevator, and then onto a truck. However, the loading dock was too small to accommodate the truck that they were being sent away with. They were being sent to Massachusetts or something, so we had to back the two trucks into each other and slide them across from one truck to the other and that's when the accident occurred because the truck driver decided to lower the pitch of the lift and that's what caused the unit to roll and topple on James. We had gotten three of them across and it was the fourth one, when it happened. He said, "I'm going to lower the pitch," because we were struggling with it, you know, we were all around it. These things are very, very, they are like seven feet tall but they are narrow and they're top heavy so any time there's the slightest bump it's difficult to get it over the bump because of the weight and the wheels were very, really tiny. So he thought that would help the situation, but that was the absolutely worst thing he could do, but he didn't really know what he was doing anyway. So when he lowered the pitch, it rolled down and he said "Look Out," and we both tried to grab it but what had happened was his legs fell underneath where the lift is, you know how there's a space, so he was trapped. And then his upper body, so it just fell down right on top of his head.

I was just shocked, you know, so I called 911 and it took them like 40 minutes to get it off of him. They were trying to pry it off of him and I was with the police for hours with the OSHA people and I was with Labor Ready and they were really upset. She said, my supervisor said, she had never seen anybody die before. She had seen accidents before, she was really traumatized. She was white as a ghost and was crying hysterically, when she showed up, finally showed up at the worksite and then I drove Jamie's truck home and I went to the wake and that was it. So, I am just telling you what happened that day.

Did you ever see this happen?

Stephen--I never have seen anything like that before in my life and I hope I never do again. I did do a job before that from Chase Bank in Secaucus in a warehouse, but the truck loaded in the right way and went right onto the truck. It wasn't this thing where we are doing two trucks together and bringing it across the ramps. But I still didn't like it. I didn't like the feel of it because you all have to huddle around it and kind of push it along and it is so top heavy, you know. I don't understand who came up with that method of transporting those units, but it's not right.

And you are a temp worker?

Stephen-- Not anymore. That place is closed anyway that was one of the many things I did. I did a lot moving jobs with James, but regular moving jobs, people moving into houses, you know, loading trucks. We did a lot of things, but um...

Mike--You said he was a real hard worker.

Stephen--He was. He was a much harder worker than me. I will admit it. He'd say, "Weren't you listening." Because I thought we were done. I forgot they told us we had to put it on the other truck. So we finally get all five units on the truck and I said, "oh James this is great, boy, let's go home." He said, "Weren't you listening, we've got to put it on the other truck." And I said, "Oh no, you mean, we've got to push these things again." And every time we went over the tile floors it would get struck where the grouting is. Can you imagine that it's that sensitive that you can't even get it in a little crack like that and then we have to wheel it across the parking lot and then the hydraulic lifts on those trucks are designed for refrigerators, air conditioners, whatever. I just didn't feel good about it with all that weight because those things weighed as much as a car and I was so afraid that it was going to break, it was going to give and then we were all going to drop down from the height and that thing was going to fall and topple over somehow. I just said I was just dreading it the whole day. It just all happened so fast. Nobody could have done anything. It's not directly anybody's fault. It's just that proper safety procedures weren't being observed and there was just nothing anybody could do at that moment. We tried to do something, but it just went "wah nah" like that so fast and you know.

I just, it's hard for me to get the image out of my mind, you know, because his life was cut short because of that—because of a piece of computer equipment because they were trying to save some money. We were getting paid minimum wage to do these jobs; at that time it was I guess, \$8.50 or something like that, maybe not even, maybe it was seven something. So, and they told me not to say anything. I got a private investigator come to my home. I live about a half a mile from the Pearl River Hilton where the accident occurred. We drove there, I filled out a lengthy document. I filled out all the pages and I signed and I described what I am telling you, but in much greater detail and he drove back to Long Island so he helped move the case along with OSHA and Labor Ready and whoever else he was involved with.

So, I don't know, I just think that people don't have enough consideration for human life. How can you put a price on a human life? They want to break up unions. They want to go to this cheap labor. They want to bring people in that don't have training. They are putting people's lives at risk and there's just no question about it, you know.