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Representing Unions and Employees since 1967

× (80) 2 (60)

July 23, 2014

Via Hand-Delivery

Mr. Rod Ustanik Enforcement Manager Equal Employment Opportunity Commission 909 First Street Suite 400 Seattle, Washington 98104

Re: SPEEA Third-Party Class Charge / The Boeing Company

Dear Rod:

Attached is one original and two copies of the Third-Party Charge filed by the Society of Professional Engineering Employees in Aerospace ("SPEEA") on behalf of SPEEA-represented employees of the Boeing Company. Please file the original and date-stamp the two copies for return to SPEEA.

I am the attorney representing SPEEA in connection with this Charge. Therefore, please direct all communications regarding the Charge to me at: 600 Grant Street, Suite 450, Denver CO 80203.

SPEEA and I look forward to assisting the EEOC in this investigation in any way we can. Please do not hesitate to contact me.

Sincerely,

M. Jeannette Fidele

MJF/av Enclosure

opeiu #30 afl-cio

CHARGE OF DISCRIMINATION	Charge	Presented To:	Agency	(ies) Charge No(s):	
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		FEPA			
Statement and other information before completing this form.	X	EEOC			
Washington State Human Rights Commission and EEOC					
State or local Agency, if any Name (indicate Mr., Ms., Mrs.) Home Phone (Incl. Area Code) Date of Birth					
Society of Professional Engineering Employees in Aerospace, on behalf of its members		(204) 433-0991		7/14/74 and earlier	
Street Address City, State and ZIP Code					
15205 52 nd Avenue S., Seattle WA 98188					
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)					
Name The Besing Company		No. Employees, Members P. 500+		No. (Include Area Code)	
The Boeing Company Street Address City, State and Z			1 (3	(312) 544-2000	
Street Address City, State and ZIP Code 100 North Riverside, Chicago, IL 60606					
Name		No. Employees, Members		Phone No. (Include Area Code)	
Street Address City, State and ZIP Code					
DISCRIMINATION BASED ON (Check appropriate box(es).) DATE(S) DISCRIMINATION TOOK PLACE					
RACE COLOR SEX RELIGION NATIONAL ORIG		Earlie 9/25/2		Latest present	
X RETALIATION X AGE DISABILITY GENETIC INFORMATION					
OTHER (Specify) X CONTINUING ACTION					
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):					
The Society of Professional Engineering Employees in Aerospace ("SPEEA") brings this Charge on behalf of SPEEA-represented employees in the protected age group, being 40 or more years of age, who have been					
harmed by a retention rating process applied by The Boeing Company ("Boeing").					
Boeing is in the process of implementing, and has in recent years implemented, numerous employee layoffs. Those chosen for lay off are impacted by the retention rating process. Boeing assigns a retention rating to					
each employee – R1, R2, or R3 – with R1 being the best rating and R3 being the worst. The distribution of					
the ratings is such that approximately 40 percent of employees will receive R1 ratings, 40 percent, R2, and					
20 percent, R3. In the event of a work reduction, Boeing will first choose employees with R3 ratings for lay					
off, while R1s are the most insulated from lay off.					
In March 2014 and, upon information and belief, earlier, Boeing instituted a retention rating process, which					
had a significantly adverse or disproportionate impact on SPE	EEA-repre	esented employe	es in th	ne protected	
age group in violation of the Age Discrimination in Employme					
The particular harm to SPEEA-represented employees is broken down into the following three classes:					
PARTICULARS CONTINUED ON FOLLOWING PAGE					
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their					
procedures. I swear or affirm that I have real the bove charge and that it is true to					
I declare under penalty of perjury that the above is true and correct. the best of my knowledge, information and believe the best of my knowledge and believe the best o					
COAAAA GOOD WASHING					
	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)				
Date Charging Party Signature	. ,,,,				

EEOC Form 5 (11/09) CHARGE OF DISCRIMINATION Charge Presented To: Agency(ies) Charge No(s): This form is affected by the Privacy Act of 1974. See enclosed Privacy Act **FEPA** Statement and other information before completing this form. **EEOC** Washington State Human Rights Commission and EEOC State or local Agency, if any THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): 1. SPEEA-represented employees in the protected age group who received lowered retention ratings and who have already been laid off; 2. SPEEA-represented employees in the protected age group who received lowered retention ratings and who have received notice that their employment will end in an impending lay off; and 3. SPEEA-represented employees in the protected age group who received lowered retention ratings and who will therefore be selected for lay off in an expected but not-yet-announced lay off. In addition to the disparate impact resulting from the above employment practices, SPEEA believes that Boeing's conduct subjected SPEEA-represented employees to disparate treatment in violation of the ADEA. While Boeing is laying off SPEEA-represented employees in the protected age group in the State of Washington, SPEEA is aware that the same or similar jobs being eliminated in Washington are being moved to facilities in other states. Upon information and belief, Boeing is selecting younger individuals for the SPEEA-represented positions once these jobs are moved out of Washington state.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

July 23, 2014 (FC) My

Charging Party Signature

I swear or affirm that I have read the a role charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS MAR

(month, day, year)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

- 1. FORM NUMBER/TITLE/DATE. EEOC Form 5, Charge of Discrimination (11/09).
- 2. AUTHORITY. 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
- **3.** PRINCIPAL PURPOSES. The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC antidiscrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
- **4.** ROUTINE USES. This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
- 5. WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION. Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please notify EEOC or the state or local agency where you filed your charge if retaliation is taken against you or others who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.