

AARP Foundation Litigation & SPEEA

24 aerospace professionals file age discrimination action against Spirit AeroSystems, Inc.



WICHITA, KS –Twenty-four older employees terminated by Spirit AeroSystems in July 2013 filed a major age discrimination case today (Monday, July 11) with the support of a legal team including attorneys from AARP Foundation Litigation (AFL), a Washington D.C.-based component of the AARP Foundation, the charitable arm of the nationwide older-people’s organization, AARP. In addition to AFL, local law firm Depew, Gillen, Rathbun, McInteer and two Denver law firms – King & Greisen, LLP and Buescher, Kelman, Perera & Turner, P.C. (attorneys for SPEEA) – also represent the plaintiffs.

The plaintiffs, members of the Society of Professional Engineering Employees in Aerospace (SPEEA), IFPTE Local 2001, filed a lawsuit on behalf of themselves and hundreds of older employees laid off in 2013.

The suit, filed in the U.S. District Court in Wichita, alleges Spirit terminated older employees covered by Spirit’s health insurance plan, who either had costly medical conditions or had family members with expensive health issues. Employee health issues cited in the lawsuit include heart disease, cancer, diabetes, high blood pressure, hearing loss, brain aneurysm and gout.

Named plaintiff Donetta Raymond worked at the Wichita plant for 25 years when she was terminated.

“Spirit’s decision to fire its older workers after years of dedicated service was shocking,” Raymond said. “Spirit ushered us out of there like we had done something wrong when we had not. Our worlds were turned upside down because we had worked there for so long.”

“Spirit’s treatment of older workers in its July 2013 RIF was unprecedented, unequal and unlawful. Spirit’s first-ever large-scale layoffs violated clear disclosure rules regarding mass terminations.” said AARP Foundation Litigation’s senior attorney Dan Kohrman after the filing today. “Also, available data - including some Spirit *did* provide - show the company gave a disproportionate share of experienced workers, age 40+, low performance ratings, then fired them on that flawed basis.”

Just three weeks before the terminations on July 25, 2013, Spirit changed its medical coverage for employees and families from an underwritten, provider form of medical insurance to a self-funded insurance program. Once that change was made, the company’s executives believed the plaintiffs and/or their family members posed a high risk of incurring large medical costs that Spirit would be solely responsible for paying.

The terminations included many employees who for years had been rated as top performers, according to the filing. Within weeks after the layoffs, Spirit held a job fair to recruit new employees.

The 24 named plaintiffs are expected to be joined by other SPEEA members age 40 and older who were discharged by Spirit. According to the suit, only 36 of the 200-plus SPEEA members who lost their jobs were under 40, the age at which the federal Age Discrimination in Employment Act (ADEA) of 1967 begins to provide protections. Many of the individuals terminated signed a release of claims which the suit alleges is unenforceable.

The suit challenges not only the terminations but also Spirit's alleged blacklisting of those discharged from new job openings.

"Spirit blackballed the older workers who were fired in July 2013 while hiring for hundreds of positions over the next few years," said attorney Diane King. "This layoff took place just after Spirit went "self-insured" and right when Spirit itself - not a health insurance firm - began paying its employees' medical bills. Spirit clearly had a huge incentive to fire older workers with medical conditions - like the plaintiffs - who it assumed would cut into its bottom line. That was not only wrong, but also a violation of the plaintiffs' civil rights."

In addition to the ADEA claims, some plaintiffs are bringing claims under the federal Americans with Disabilities Act (ADA) and the Family and Medical Leave Act (FMLA).

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About AARP Foundation Litigation

AARP Foundation Litigation is a component of the AARP Foundation, which is AARP's affiliated charity. The AARP Foundation is working to win back opportunity for struggling Americans 50+ by being a force for change on the most serious issues they face today; housing, hunger, income and isolation. By coordinating responses to these issues on all four fronts at once, and supporting them with vigorous legal advocacy, the Foundation serves the unique needs of those 50+ while working with local organizations nationwide to reach more people, strengthen communities, work more efficiently and make resources go further. Learn more at www.aarpfoundation.org.

About SPEEA, IFPTE Local 2001

SPEEA is a professional aerospace labor union representing 2,553 employees at Spirit AeroSystems in Kansas. Overall, the union represents 22,842 engineers, technical workers, professionals and pilots in Washington, Kansas, Oregon, Utah, California and Florida. Organized in 1946, SPEEA is affiliated with the International Federation of Professional and Technical Engineers (IFPTE), AFL-CIO. Learn more at www.speea.org.

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