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AARP Foundation joins age-discrimination case against Spirit AeroSystems

WICHITA – Showing a clear indication of the seriousness and compelling case of age discrimination, lawyers from AARP Foundation Litigation are joining with existing legal counsel to represent former employees who filed charges against Spirit AeroSystems on behalf of union-represented employees.

Originally filed by 10 SPEEA-represented employees in March with the Equal Employment Opportunity Commission (EEOC) and the Office of Civil Rights (now up to 30 employees), the charges allege Spirit terminated hundreds of employees in 2013 because they were older and either they or a family member had a costly medical condition.

“The addition of AARP Foundation attorneys brings an added level of expertise and resources to our efforts to bring this injustice to an end,” said **Earl Carter**, SPEEA Midwest vice president, in a press release issued Aug. 11.

Wichita attorney **Randy Rathbun**, a former U.S. Attorney for the District of Kansas whose practice includes employment law, also joined as local counsel on the complaint.

Representatives from AARP Foundation Litigation met with the laid-off employees, union officials and other legal counsel in Wichita the week prior to the press release.

The layoffs occurred after Spirit switched its employee medical coverage to a self-insured program. In the process of deciding who to lay off, the charges also allege Spirit illegally disclosed confidential medical information.

Spirit abruptly terminated 221 SPEEA-represented engineers, technical workers and other professionals on July 25, 2013. In all, the company terminated 360 employees that day. All were called into meetings with management, told they were being terminated and then escorted off the property. Most were not allowed to return to their work stations to retrieve personal property. The terminations included employees who for years were rated as top performers.

Just three weeks before the terminations, Spirit changed its medical coverage for employees and families from an underwritten, provider form of medical insurance to a self-funded insurance program. The



*Midwest Director **Bob Brewer** addresses former employees of Spirit AeroSystems at a recent meeting with legal counsel from AARP Foundation Litigation, our union and counsel for the employees.*

result of the change is that every dollar not paid out in medical claims is a dollar that remains in Spirit’s corporate bank account.

Various serious medical conditions affected employees in the charge-filing group, as well as their spouses and children, including workers and family members waiting on organ transplant lists, fighting cancer, suffering from costly rare medical challenges or chronic medical conditions.

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.

SPEEA-Boeing

Age discrimination charges – protect your rights

SPEEA recently filed a class action age-discrimination complaint against Boeing with the Equal Employment Opportunity Commission (EEOC) and the Washington State Human Rights Commission. Many have asked if they are covered by our action and/or if they can become a part of our action.

SPEEA’s action was filed based upon the evidence we had at the time of filing. Although we believe we identified a class of individuals being harmed by Boeing’s actions, there’s no guarantee any individual is a part of that class until later in the litigation process. To ensure your rights are protected, you need to file an individual claim with the EEOC.

To file a claim, see more details at www.speea.org.

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Judge rules Boeing illegally 'undermined and tainted bargaining'

SEATTLE – The National Labor Relations Board (NLRB) found The Boeing Company violated labor law and is ordering it to provide wage rates, regional salary information and productivity data from various company locations to SPEEA. The order further instructs Boeing to provide notice of the ruling to all the employees whose collective bargaining rights were violated.

Issued July 31 from the NLRB national office, the order stemmed from an Unfair Labor Practice (ULP) charge filed by SPEEA during the last Prof and Tech contract talks. Issued by Administrative Law Judge **Dickie Montemayor**, the order said SPEEA's formal data request during negotiations sought relevant information because of statements made by **Mike Delaney**, Boeing Vice President of Engineering, at the negotiation table and to the news media.

"The information sought clearly had a bearing on the bargaining process," Montemayor wrote. The company's "failure to provide requested information undermined and tainted the bargaining process."

In a press release, SPEEA Executive Director **Ray Goforth** noted: "The judge's ruling is a complete repudiation of every argument Boeing proffered.

"The long and difficult negotiations we had in 2012-2013 were a direct result of Boeing engaging in illegal intimidation of employees in the workplace and these illegal tactics at the bargaining table," Goforth said.

In May, Boeing was found guilty of illegally intimidating SPEEA members through the use of surveillance during the same contract negotiations.

"This pattern of disdain towards the workforce and the laws that protect those workers should worry everyone who is a stakeholder in The Boeing Company," Goforth said. "This lawless behavior is not helpful."

A hearing on the charge was held in February, more than one year after the original filing.

One notable defense Boeing made at the hearing was to describe a news article by Bloomberg News as "inaccurate and unreliable." In rejecting this argument, the judge noted that Boeing only made that assertion in front of him but never sought a retraction or correction from Bloomberg at the time it was published.

A copy of the judge's ruling is available at www.speea.org.

D.C. judges vote to join IFPTE

Washington, D.C. – Administrative law judges who work for the District of Columbia's Office of Administrative Hearings (OAH) voted overwhelmingly July 31 to join IFPTE.

About 80% of the judges, who provide adjudication for several D.C. agencies, voted to join the union.

Judge **Jesse Goode**, who hears cases related to unemployment insurance, said: "We wanted a union because we wanted a voice

in making improvements to our courts. We specifically wanted to be members of the International Federation of Professional and Technical Engineers because IFPTE represents nearly 2,000 federal administrative law judges. Sometimes the wheels of justice turn slowly even for judges, but today democracy prevailed."



Northwest Teller vacancy

SPEEA is seeking applicants for an interim vacancy on the Northwest Tellers Committee. Deadline to apply: Tuesday, Sept. 9.

Northwest Teller **Will Witherspoon** recently transferred out of the bargaining unit.

The Tellers are responsible for union elections, including Executive Board/Teller elections and elections that occur periodically at Council meetings.

cally at Council meetings.

To apply, print a petition at www.speea.org (link under Member Tools/Forms and Petitions). The petition requires 15 members' signatures and a separate statement (150-words max) to be used in a ballot package if an election is necessary.

For questions, email terryh@speea.org.



Council Rep/Area Rep meeting

At a meeting in Bellevue, July 31, shown here, SPEEA Council Reps **Roger Aisaka**, center, and **John Allen**, left, met with Area Reps to discuss issues and outreach efforts. Area Reps serve as liaisons to smaller groups within a Council District, which averages 200 members. Area Rep **Bill Razeto**, blue SPEEA shirt, the Bellevue site focal for the Action and Communication Taskforce (ACT), gave an update on ACT as well as discussing the SPEEA-Bellevue Partnership, held bimonthly with SPEEA Council Reps and Area Reps.

Members support IFPTE legislative effort

Several SPEEA members recently responded to IFPTE's request to support the voluntary Political Action Committee (PAC), which increased the fund by several hundred dollars.

In a letter thanking supporters, IFPTE highlighted several issues, including outsourcing of high-tech jobs and the need for labor law reform, currently affecting members.

"We will continue to work closely with

national lawmakers to bring fairness and clarity to these, and other concerns affecting IFPTE's diverse membership," noted the letter signed by IFPTE President **Greg Junemann** and IFPTE Legislative and Political Director **Matt Biggs**.

Interested in learning more about supporting the bipartisan IFPTE PAC? Contact SPEEA Legislative Director **Chelsea Orvella** (chelseao@speea.org).

SPEEA-Boeing

Name change for VIP administrator

ING, the record keeper for the Voluntary Investment Plan (VIP) at The Boeing Company, announced a name change as of Sept. 1. The new name, Voya Financial, will appear on the VIP website, apps and communications. No changes in benefits or administration will result from this change, which is an internal rebranding of ING.

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Still time to sign up

Wichita MAC gears up for golf

Wichita members and their foursomes are signing up for the Midwest Membership Activities Committee (MAC) Golf Tournament, Saturday, Sept. 13, at the Augusta Country Club.

The \$50 entry fee includes green fees, cart, lunch and prizes. Sign up by **Sept. 5** (first come-first served – up to 18 teams) for the shotgun start at 8 a.m.

At least one dues-paying SPEEA member is required per foursome at this tournament, which includes prizes for longest drive, closest to the pin, longest putt and random prizes.

To sign up, email either joe.abbott@spiraero.com or daryl.l.doshier@spiraero.com.

UPCOMING TRAINING/EVENTS

See online calendar for details/RSVP where you plan to attend

Puget Sound Labor Day celebration

Monday, Sept. 1 from 11 a.m. to 3 p.m.
Lower Woodland Park, Seattle

Hosted by the Martin Luther King County Labor Council

Memorial at Ralph Chaplin's gravesite

Monday, Sept. 1 at 10:30 a.m.
Calvary Cemetery, Tacoma

Chaplin wrote 'Solidarity Forever'

Solidarity Day at the Zoo

Sunday, Sept. 7
Point Defiance
Zoo and Aquarium, Tacoma

Hosted by the Pierce County Central Labor Council

Wichita

Labor Day picnic

Saturday, Aug. 30 from noon to 4 p.m.
Machinists Hall - 3830 S. Meridian

Free food and BINGO prizes

Wichita Hutchinson Labor Federation

ICT SOS Race for Freedom to end human trafficking

Saturday, Sept. 6
Carpenter Place, Wichita

5k run/walk and family fun run – volunteers needed

SPEEA Midwest Golf Tournament

Saturday, Sept. 13 at 8 a.m.
(shotgun start)

Augusta Country Club

Sign up by Sept. 5

Entry fee includes greens fee, cart, prizes and food

Midwest Membership Activities Committee



NW Council supports issues

The Northwest Council recently passed three motions supporting education and labor issues and urged members to become informed and take action.

- **'Class Size Counts'** - This Washington state voter initiative calls on the state legislature to cut class size from as many as 34 students to an average of 24 students in grades 7-12, for example. The initiative also calls on the state to help schools serving high numbers of children living in poverty. Details at <http://class-sizecounts.wa.com>.
- **Darigold farm workers** - Teamsters Local 117 teamed up with the United Farm Workers Union (UFW) to organize workers at farms that supply milk to Darigold. The NW L&PA motion noted much of the milk comes from industrial farms where 50 to 400 workers are expected to milk 10,000 to 40,000 cows three times a day. Details at: <http://action.ufw.org/page/s/darigoldpetition>.
- **Movie music outsourcing** - The American Federation of Musicians (AFM) teamed up with the AFL-CIO to launch an online petition aimed at Lionsgate, a movie studio, which outsourced 90% of its recent films' scoring. The offshore scoring for just four recent films cost nearly \$10 million in lifetime compensation (retirement and health benefits) for thousands of musicians. Details at: <http://listenupnow.org>.

A September SPEEA Spotlite article on these motions includes more information.



Joel Funfar, SPEEA Northwest vice president, is shown above, standing, at a panel discussion at the Seattle Labor Temple Aug. 7 on how to mobilize members and the community on labor issues.

Mobilizing for worker rights

SEATTLE – Nearly 50 union members, from teachers to aerospace workers, discussed how to strengthen efforts on behalf of workers' rights.

Northwest Vice President **Joel Funfar** joined the panel discussion, following a presentation by **Samantha Winslow**, co-author of 'How to Jump-Start Your Union: Lessons from the Chicago Teachers.'

Funfar shared the story of SPEEA, including the 40-day strike of 2000 and how it mobilized the members and the community. He also noted the current struggles facing SPEEA members and others at Boeing, with work transferring to other states and countries.

He urged everyone to contact their lawmakers to close the loopholes in the aerospace tax incentives the state recently voted to extend in exchange for Boeing 777X work. Shortly after their vote, Boeing started announcing several thousand more lay-

offs in Puget Sound.

Winslow shared firsthand experiences of the successful Chicago Teachers Union (CTU) strike of 2012. She described how a group of teachers stood up to a powerful administration. Building community outreach and support, a majority of parents sided with the teachers when they went on strike.

The panel discussion, organized by Labor Notes and the Martin Luther King County Labor Council, also featured **Richelle Banks**, a leader in the union organizing drive among Amazon security officers, **Max Vekich**, International Longshore and Warehouse Union (ILWU) Local 52 and ILWU International Executive Board and **David Yao**, vice president of the Greater Seattle Local of the American Postal Workers Union.

UPCOMING MEETING SCHEDULES

NORTHWEST MEETINGS (ALL TIMES PST)

Week of August 18, 2014	
Monday, Aug. 18	4:00 p.m. SPEEA Legislative & Public Affairs
Wednesday, Aug. 20	4:00 p.m. SPEEA Governing Documents
Wednesday, Aug. 20	5:00 p.m. NW Governing Documents
Wednesday, Aug. 20	5:00 p.m. NW Membership Activities Committee
Thursday, Aug. 21	4:00 p.m. Executive Board
Week of August 25, 2014	
Monday, Aug. 25	5:00 p.m. NW Legislative & Public Affairs
Tuesday, Aug. 26	4:30 p.m. Women's Advocacy Committee
Thursday, Aug. 28	4:00 p.m. Diversity Committee
Week of September 1, 2014	
Tuesday, Sept. 2	4:00 p.m. Council Officers Meeting
Tuesday, Sept. 2	5:00 p.m. Leadership Development & Training
Wednesday, Sept. 3	4:30 p.m. ACT Committee
Thursday, Sept. 4	4:00 p.m. Executive Board Meeting

MIDWEST MEETINGS (ALL TIMES CST)

Week of August 18, 2014	
Monday, Aug. 18	4:30 p.m. MW Governing Documents
Monday, Aug. 18	6:00 p.m. SPEEA Legislative & Public Affairs
Wednesday, Aug. 20	6:00 p.m. SPEEA Governing Documents
Thursday, Aug. 21	4:30 p.m. MW Legislative & Public Affairs
Thursday, Aug. 21	6:00 p.m. Executive Board
Week of August 25, 2014	
No Meetings Scheduled	
Week of September 1, 2014	
Tuesday, Sept. 2	6:00 p.m. Council Officers Meeting
Thursday, Sept. 4	4:30 p.m. MW Legislative & Public Affairs
Thursday, Sept. 4	6:00 p.m. Executive Board Meeting