

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 96-1104-CIV-GOLD

Magistrate Judge Stephen T. Brown

DOBSON COLLINS,

Plaintiff,

-VS-

FLAGSHIP AIRLINES, INC.,
a Delaware corporation,

Defendant.

**NIGHT BOX
FILED**

JUL 14 1998

CARLOS JUENKE
CLERK, USDC / SDFL / MIA

**DEFENDANT'S REPLY IN SUPPORT OF ITS
MOTION FOR SUMMARY JUDGMENT**

1. Introduction

Collins has simply failed to identify evidence that is either admissible or competent to controvert the undisputed facts Flagship identified in its original motion. It is difficult to discern, from his conclusory list at pages 18-19 of his memorandum in opposition, Collins' identification of any evidence indicating factual issues in genuine dispute. Therefore, in reply Flagship will point out those material issues on which there remain no genuine disputes before the court for disposition.

**2. Collins Has Failed to Identify Admissible Evidence to Defeat
Flagship's Motion for Summary Judgment**

Collins' burden on this motion is to identify any record evidence (beyond a mere scintilla) that is both admissible and competent to establish each and every element of his claim on which he bears the burden of proof at trial. Celotex Corp. v. Catrett, 477 U.S. 317, 324, 106 S.

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Ct. 2548, 2555 (1986); Parks v. City of Warner-Robins, 43 F.3d 609, 612 (11th Cir. 1995) (failure to identify probative evidence on any element of proof required of Plaintiff is fatal and requires summary judgment for defendant).

In this circuit, it is simply not a sufficient response to a record-supported motion for summary judgment simply to re-state the allegations of the complaint in conclusory fashion and swear that they are true. The Eleventh Circuit requires that where “a party’s response consists in nothing more than a repetition of his conclusory allegations, the district court must enter summary judgment in the moving party’s favor.” Peppers v. Coates, 887 F.2d 1493, 1497 (11th Cir. 1989); Evers v. General Motors Corp., 770 F.2d 984, 986 (11th Cir. 1985) (“This court has consistently held that conclusory allegations without specific supporting facts have no probative value”); Connell Leasing Co. v. J. F. Equities Acquisition Inc., 731 F. Supp. 1539, 1544-45 (S.D. Fla. 1989) (Ryskamp, J.) (“the law of the Eleventh Circuit is clear that conclusory allegations without specific supporting facts have no probative value”) In response to Flagship’s copious citations to admissible evidence in support of its motion, Collins has simply submitted an affidavit that restates his claim and offers hearsay statements in his efforts to avoid summary judgment, and that effort must fail.

3. The Record of Undisputed Evidence

A. Disparate Treatment/Retaliation Allegations

Collins has been unable to point to any evidence to prove that he was treated differently from someone else who is not black or who did not complain of discrimination. To establish a prima face case of disparate treatment or retaliation. Collins must show that employees who are not black, or who have not filed charges with the EEOC, have been treated more favorably by Flagship than he was, and those individuals must be “similarly situated in all relevant respects” to him. Holifield v. Reno, 115 F.3d 1555, 1562 (11th Cir. 1997). The court must grant summary judgment to the employer where a plaintiff employee fails to proffer any evidence of comparison

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employment facts that are competent to show different treatment of similarly situated individuals. See Webb v. R&B Holding Co., 992 F. Supp. 1382, 1386 (S.D. Fla. 1998)(King, J.) (upholding summary judgment for employer where plaintiff was discharged for rudeness to customers and could not prove that non-minority employees even had rudeness complaints); Ward v. Proctor & Gamble, 111 F.3d 558, 561 (8th Cir. 1997) (employees are not similarly situated where their employment records are different).

What follows is Flagship's summary of the current record in light of Collins' response. It shows that after a year of discovery, which closed on May 26, 1998, there is no genuine issue as to any material fact requiring trial.

1. 1991-1992 Upgrade Decisions

It is not clear that Collins argues for any entitlement to relief based on decisions relating to his upgrade applications in 1991 and 1992, although he does cite them in his recitation of the facts at pages 1 and 2 of his response.

The undisputed record evidence identified by Flagship is that Collins sought certain upgrade opportunities within his craft or class of aircraft maintenance mechanics in 1991 and 1992, that, when those upgrades were denied him, he appealed to a joint union/management committee which also found him unqualified, and that when he applied a second time, months later for appointment upgrade to avionics technician in June 1991, Flagship did upgrade him to that position. (Tab 2, Collins Depo. Ex. 23-25, 27-29).

It is also undisputed that Collins has identified no other person who sought upgrade opportunities of a similar nature, regardless of their race or status as a charging party under Title VII. Finally, it is also undisputed that in July 1992, he signed an agreement that he would not sue Flagship based on any of the allegations he had brought to the Equal Employment Opportunity Commission concerning the denial of his upgrade opportunities and withdrew his charge. (Tab 2, Collins Depo. Ex. 35). In that settlement, the parties simply referred to the

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previously accomplished June 1991 upgrade to avionics technician and treated that earlier Flagship decision as full "relief" under the settlement agreement. Id.^{1/}

Moreover at least some of his claims are currently beyond any statutory limitation period available under Title VII or 42 U.S.C. §1981. In order to initiate a suit under Title VII, a plaintiff must first exhaust his administrative remedies by obtaining a notice of right to sue from the EEOC. 42 U.S.C. § 2000e-5 (f)(1). In this case, Collins never received a notice of right to sue from the EEOC on his 1991 and 1992 charges. Likewise, Collins cannot sue on any action or event taking place more than four years prior to his filing suit under § 1981. Paldano v. Althin Medical, Inc., 974 F. Supp. 1441, 1445 (S.D. Fla. 1996)(Graham, J.) ("it is undisputed that Florida's four year statute of limitations for personal injuries, found in § 95.11(3), Florida Statutes, applies to Plaintiff's § 1981 claims").

2. 1993 Aircraft Delay Incident

It is undisputed that Flagship employees, including Collins, were trained to avoid delays of flight departures as a basic tenet of industry practice. (Tab 1, Collins Depo. pp. 262-63). It is also undisputed that gate agent Gano and supervisor Harold Allen accused Collins of delaying Flight No. 5733 on April 22, 1993, apparently because he did not wish to take an assigned work trip to Nassau that morning. (Tab 2, Collins Depo. Ex. 41- 43). Finally, it is undisputed that Flagship determined that Collins had violated this basic principle of airline industry management and customer service and disciplined him accordingly. Thus, on May 13, 1993 it issued a "career decision day advisory," giving Collins essentially a "final warning" that his next transgression of company rules might result in his discharge. (Tab 2, Collins Depo. Ex. 38).

It is also beyond dispute that Collins has failed to identify any other person of any race or charging party status who was guilty of similar misconduct, (Tab 1, Collins Depo. at p. 265-266)

^{1/} Of course, the agreement itself would be inadmissible under F.R.E. 408 except that Flagship is entitled to assert his relief of all claims based on Flagship's promises in that agreement.

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and that he unilaterally withdrew his charge of discrimination and retaliation over this delay incident, leading this court to rule that any claims arising from that charge are barred in this case. Collins v. Executive Airlines, Inc. et al., 934 F. Supp. 1378, 1381 (S.D. Fla. 1996) (King, J.); (Tab 2, Collins Depo. Ex. 37).

The record is unequivocal that Collins cannot establish the elements of a prima facie case or prove an act of intentional discrimination or retaliation by Flagship from this incident.^{2/}

3. Notifications of Noncompliance

It is undisputed on this record that Collins identified two employees in his deposition who, he alleged, were guilty of lapses in their compliance with company procedures or Federal Aviation Regulations. Those employees were Craig Underhill and Juan Cuadra. Contrary to Collins belief that these persons were not reprimanded, it is undisputed that Flagship issued similar notices of non-compliance to Messrs. Underhill and Cuadra. (Tab 1, Collins Depo. at p. 409-411); (Tab 2, Collins Depo. Ex. 72). Although Collins made a desperate effort to identify additional employees who he now says failed to receive notifications of non-compliance (see Plaintiff's Response in Opposition to Defendant's Motion for Summary Judgment at p. 19), he has not offered any evidence from "personal knowledge" as required by Fed. R. Civ. P. 56(e). It is therefore undisputed that the only two non-black employees who Collins could identify received similar treatment to him, and he has failed to identify any admissible evidence of others who were treated differently in similar circumstances.

4. Minimum Equipment List Project

Collins claims that he was assigned an impossible task that no white employee ever had to do and that he was sent home when he refused to do the work. On this record, it is undisputed that Collins bid for and was assigned a special overtime shift, during which Flagship offered

^{2/} In addition Collins cannot sue under Title VII for this incident because of the withdrawal of his charge which in context of Section 1981 is also an admission that there was no discrimination.

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volunteering employees the opportunity at premium pay rates to research and enter into the maintenance computers the part numbers appropriate to the repair of open but delayed maintenance items on Flagship fleet aircraft. (Tab 1, Collins Depo. at p. 318-319, 327). It is undisputed that Collins bid for that work, although he now claims that no other person in the history of the Miami maintenance base since 1989 was ever asked to do that work, and that it was "impossible". (Tab 1, Collins Depo. at p. 327-331). Although Collins has alleged that no non-black employee was ever assigned that task, the undisputed record evidence demonstrates that at least one white employee was assigned to do the work in 1991, and was also reprimanded for failing to perform that work. (Tab 3, Franz Decl. Ex. 1).

It is further undisputed that Collins refused to do the MEL work for which he had bid, and that his supervisor, Noel Franz, therefore, "punched" his time card and sent him home. (Tab 1, Collins Depo. at p. 327). Collins quotes Franz as having said that he filed "too many EEOC charges" in connection with this action. However, even if that was true, the simple act of sending an employee home, who has refused to do the work for which he was brought in, cannot meet the threshold of actionable conduct by an employer under the Eleventh Circuit's recent decision in Wal-Mart, supra, p. 3. It is beyond dispute that Collins remained employed at his regular rate for regular work on later shifts. All that occurred to him on that date was that he was not paid for work which he admittedly refused to do. Not surprisingly, there are no records detailing persons who were given the job and completed it.

Collins claim that he was unfairly denied overtime because of his race is equally unsupported by the record. It is undisputed that when Collins reported for the MEL project he "punched" his time card before the 7:00 a.m. start time for that shift. Contrary to Collins assertions, that Craig Underhill, a white employee, also punched in early the same week. Both Collins and Underhill were "docked" for the early punch. (Tab 3, Franz Decl. Ex. 3; Tab 2, Collins Depo. Ex. 52).

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5. Discharge

It is beyond dispute on this record that Plaintiff cannot identify any other person who either violated the company's rules on inspection of personnel files, or who refused to show documents apparently taken from that file in violation of those rules.^{3/} (Tab 1, Collins Depo. at p. 406). It is also undisputed that Collins has identified no other person who behaved in that fashion when he was the subject of a final warning, or "career decision day advisory". (See Id.)

Collins acknowledges that he was aware of the company's rules for examination of personnel files and has offered no competent evidence of any racial or retaliatory motives by Flagship management in its decision to discharge him from employment. (Tab 1, Collins Depo. at p. 406). It is also significant in this context that the President of the Transport Workers Union Local, which represented Plaintiff in his employment relationship with Flagship, Scott Roberson, was black. Plaintiff acknowledges he had no reason to think that Mr. Roberson would not pursue claims of racial discrimination against his members. (Tab 1, Collins Depo. at pp. 176-77) Plaintiff failed to grieve his discharge timely, and the board decision dismissing it was unanimous. (Tab 2, Collins Depo. Ex. 67). Scott Roberson was a member of that board.

^{3/} With respect to his discharge, Collins has also failed to present any admissible evidence to establish a prima facie case of retaliatory discharge or to rebut Defendant's legitimate, nondiscriminatory reasons for discharging him. He has failed to provide any evidence to support the third element of his prima facie case - that a causal link exists between his filing of his EEOC charge and his discharge. Adverse actions which occur over half a year after the protected complaint, are not reasonably close to establish a link of retaliation. See Flores v. Ameritech Mobil Communications, 957 F.2d 317 (7th Cir. 1992)(six months too remote); West v. Fred Wright Co., 756 F.2d 31 (6th Cir. 1985) (seven months too remote to establish link of retaliation). Collins filed his last EEOC charge on May 12, 1994 and was discharged seven months later on December 9, 1994. His discharge is too remote from the filing of his EEOC charge to therefore establish a prima facie case of retaliation, particularly since he can refer to no interim incidents during that seven month period to support his claim of retaliation or rebut Flagship's legitimate, nondiscriminatory reasons for discharging him.

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B. Hostile Environment

Although recent Supreme Court decisions may have changed the paradigm for sexual harassment claims, it is not clear that those new standards even apply in cases of “racial harassment”. See Farragher v. City of Boca Raton, ___ U.S. ___, 1998 WL 336322 (June 26, 1998); Burlington Industries v. Ellerth, ___ U.S. ___, 1998 WL 336326 (June 26, 1998). There has never been a quid pro quo theory of racial harassment similar to that which the Supreme Court sought to clarify in sex cases. See Ellerth, 1998 WL 336326 at *7-*9.

However, the undisputed evidence in this case is that Collins has denied any significant, pervasive or severe racial harassment of any kind. (Tab 1, Collins Depo. at pp. 267, 396, 407). It is further undisputed that what “harassment” he claims to have endured was at the hands of unidentified co-workers and not supervisors. (Tab 1, Collins Depo. at p. 39). Moreover, it is undisputed that when Collins accused a co-worker of calling him “nigger”, Flagship reacted with appropriate dispatch and effectiveness. (Tab 4, Perez Depo. at pp.130-33). The only other incident claimed by Collins and not disputed by Defendant for purposes of its Summary Judgment Motion, allegedly occurred on or about October 14, 1994, when Collins alleges that a noose and caricature Polaroid photo were left for him. Not only did Collins failed to report this incident to management, but he also failed to mention it in an amended charge filed with the EEOC two months later (Tab 2, Collins Depo. Ex. 48). In fact, Collins takes no issue at all with Defendant’s evidence that its human resources department conducted an effective investigation of alleged racial discrimination and harassment at its Miami facility, once it was ultimately made aware of the existence of the noose and picture three months after they allegedly first appeared. (Plaintiff’s Memorandum of Law in Opposition to the Summary Judgment).

On these facts, the undisputed record evidence establishes that Plaintiff cannot prove a claim of hostile environment racial harassment.

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C. The Other Charges

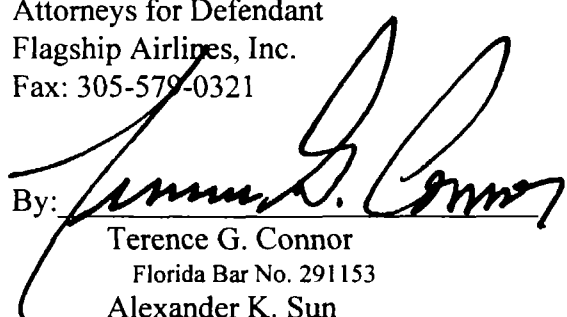
At pages 18 and 19 of the Memorandum in Opposition, Collins purports to lay out five factual disputes requiring trial.^{4/} The initial item he cites as requiring trial is the fact that “four other black individuals have filed EEOC charges against the same supervisor”. Clearly, those “charges” of discrimination are hearsay. To the extent that the Court would ^{regard}~~guard~~ them as admissible, it is significant that on three of the four, as on Collins’ charge, the Commission found no evidence to support the claims and no lawsuits were filed. (Tab 5) The fourth (Lee) is pending trial in another division of this court and involves facts unrelated to those at issue here.

4. Conclusion

For the reasons stated in this memorandum and in Flagship’s initial motion and memorandum, the undisputed record evidence establishes entitlement in Flagship to an award of summary judgment dismissing all claims and an award of costs against the Plaintiff.

Respectfully submitted,

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Fax: 305-579-0321

By: 

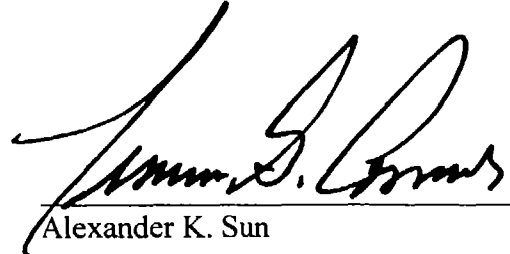
Terence G. Connor
Florida Bar No. 291153
Alexander K. Sun
Florida Bar No. 0076120

^{4/} The other four have been addressed herein.

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CERTIFICATE OF SERVICE

We hereby certify that a true copy of the foregoing was mailed this 14th day of July, 1998, to Stewart Lee Karlin, Esquire, 400 Southeast Eighth Street, Fort Lauderdale, Florida 33316.


Alexander K. Sun

Collins v. American Airlines, Inc.

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- 2 Deposition exhibits of Dobson Collins
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- 4 Deposition testimony of Raphael Perez
- 5 EEOC Charges and Notices of Right to Sue

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
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DOBSON COLLINS,

Plaintiff,

-vs-

FLAGSHIP AIRLINES, INC.,

Defendant.

-----/

5300 First Union Financial Center
200 South Biscayne Boulevard
Miami, Florida
Friday, October 10, 1997
8:42 a.m. - 4:21 p.m.

VIDEOTAPE DEPOSITION OF DOBSON COLLINS

Taken before Nancy Bryant, RPR, RMR, RDR and
Notary Public in and for the State of Florida at Large,
pursuant to Notice of Taking Deposition issued herein
and stipulation of counsel.

1 A. Yes.

2 Q. -- Caribbean Express, right?

3 A. Yes.

4 Q. Pemco Engineering. You were not fired from
5 that job?

6 A. No.

7 Q. Pan Am?

8 A. No.

9 Q. Same? Eastern?

10 A. No.

11 Q. And you also list on here Florida West Air.

12 And it appears that when you filled out the
13 application, you were currently employed there; is
14 that correct?

15 A. Yes.

16 Q. Okay. Were you -- now, if your -- if you
17 were fired from any of these jobs, would you have
18 listed it in the specific reason for leaving?

19 A. Yes, I would.

20 Q. Why would you do that?

21 A. I'm an honest person.

22 Q. And you feel like you have to do that
23 because you're an honest person?

24 A. I'm obligated to do that.

25 Q. I would like to ask you some questions about

1 Q. '94 and '95?

2 A. Somewhere there.

3 Q. And was he involved in the union prior to
4 being president?

5 A. Yes.

6 Q. Was he an officer?

7 A. I think so.

8 Q. Was he somebody that you knew was there if
9 you were to file a grievance?

10 A. No.

11 Q. Okay. Why not?

12 A. Because I never -- I never heard of him
13 until maybe late '94, early '95.

14 Q. But by that time, you knew that he was the
15 person who was ultimately going to decide whether any
16 grievances you filed went forward for arbitration,
17 right?

18 A. Yes.

19 Q. Okay. And do you know when he began to
20 serve in that role?

21 A. No, I don't.

22 Q. Okay. Now, Mr. Roberson is black, isn't he?

23 A. Yes.

24 Q. Okay. Do you have any reason to believe
25 that he was prejudiced against you because you're

1 black?

2 A. No.

3 Q. Do you have any reason to believe that he
4 would not process your grievances because you're
5 black?

6 A. I don't know.

7 Q. You don't know?

8 A. I don't know.

9 Q. Well, you must know whether you have any
10 reason. Do you have any reason to believe that he was
11 anti black?

12 A. I don't know.

13 Q. You don't know? You don't know whether you
14 have any reason to believe that?

15 A. I don't know if he's anti black or what he
16 is.

17 Q. Yeah, but my question is do you have any
18 reason to believe that he is anti black?

19 A. No.

20 Q. And he is, himself, black?

21 A. Yes.

22 (Exhibit DC 22 was marked for Identification
23 and retained by counsel.)

24 BY MR. CONNOR:

25 Q. I'll give you what is marked DC 22 and ask

1 A. That's correct.

2 Q. Okay. And the whole organization works to
3 avoid being blamed for delays, right?

4 A. Yes.

5 Q. The pilots don't want to be blamed, the
6 flight attendants don't want to be blamed, the agents
7 don't want to be blamed, the mechanics don't want to
8 be blamed, and the managers don't want to be blamed
9 for a delay, right?

10 A. Yes.

11 Q. Because it affects the on time performance
12 rating?

13 A. Yes.

14 Q. So you understand that if held -- if you did
15 hold up an aircraft departure for ten minutes, that's
16 a important problem, right?

17 A. It depends -- it depends on what the ten
18 minutes is for, Mr. Connor, because there from time to
19 time -- you fly a lot, I assume. And American Eagle
20 is a small airline that hop from here to there. And
21 you want to make sure that you're flying on an
22 airworthy airplane.

23 I will hold up an airplane for ten minutes
24 or more if it's unairworthy.

25 Q. Absolutely.

1 A. That is my problem.

2 Q. Absolutely.

3 A. And most of the time what they're talking
4 about ten minutes there or ten minutes there, they're
5 just using the indication that the girl stop me at the
6 stair of the airplane for being I hold up the
7 airplane. I didn't hold up the airline.

8 Q. Well --

9 A. I hold up the airplane because it's
10 unairworthy.

11 Q. That airplane?

12 A. Not this airplane.

13 Q. This is the one we're talking about.

14 Did the agent agree with you at the end of
15 this?

16 A. We didn't talk at the end of this.

17 Q. At the end of the -- when you got on the
18 plane to go, had you convinced the agent that you were
19 right?

20 A. I didn't talk to her.

21 Q. You never talked to her?

22 A. No, the captain came and said, "Tell her
23 it's fine, let him go." I board the airplane.

24 Q. She -- the captain told you to tell her?

25 A. No, the captain told her in front of me.

1 don't have a passport, so I cannot fly with a
2 passport. I don't have one.

3 Q. But did you get a chance to read the
4 statements of the other people?

5 A. I saw the statements back in '96, or
6 whatever it is, that some people claim they wrote.

7 Q. Did you get a chance to read them was all I
8 asked you.

9 A. I looked over them, yes.

10 Q. Okay. And they don't agree with your
11 account of the event, do they?

12 A. No.

13 Q. Okay. Now, the fact that Mr. Cerezo gave
14 you a career decision day indicates that he believed
15 them and not you?

16 A. Yes.

17 Q. Right?

18 A. Yes.

19 Q. Okay. Now, do you know of anybody else who
20 had an incident like this occur while you were at
21 Flagship?

22 A. No.

23 Q. Okay. And then ten months later, in
24 approximately March, according to the indication on DC
25 37, March of '94, you withdrew your Charge of

1 Discrimination, and that charge was addressed to this
2 event, right?

3 A. Yes.

4 Q. Okay. What evidence do you have that this
5 event, that this career decision day -- let's -- let
6 me start that over.

7 There was no grievance filed over this
8 incident or over the handling of the PPC, right?

9 A. No. I did not file it, no.

10 Q. And so the career decision day was in your
11 file?

12 A. Yes.

13 Q. Okay. And you understood that that, in the
14 view of Mr. Cerezo, meant that you could now be
15 terminated for -- without any further warnings. That
16 was his view.

17 A. That's correct.

18 Q. So what happened to cause you to withdraw
19 the charge?

20 A. Okay. Well, since I filed the charges, I
21 got a chance to work without harassment, without
22 retaliation, without Mr. Cerezo and his supervisors
23 keep harassing me.

24 You know, I would be able to be assigned a
25 job, I go out and do my job, get my airplane out on

1 time. Everything was going smooth until after, after
2 I withdraw this charge. Then it was like Nick
3 Revelos, Noel Franz, Humberto Reyes, Al Alvarez, you
4 name it, they were on my shoulder day in day out. I
5 mean, Ralph Perez -- they were, they harass me day in
6 and day out.

7 Q. Okay. But my question -- do you remember my
8 question? The question was what caused you to
9 withdraw it. And I think your answer was that nothing
10 happened in between May --

11 A. In between that time, yes.

12 Q. -- May of '93 and March of '94, right?

13 A. That I remember, yes.

14 Q. No problem in that period?

15 A. I didn't see any problem warrant further
16 charges.

17 Q. Well, I want to know if you think there was
18 a problem, a racial problem in that era or not. Any
19 problem of race.

20 A. Well, I don't remember having any within
21 that space of time.

22 Q. Okay. Any problem with retaliation during
23 that period of time?

24 A. I don't see any now.

25 Q. Okay. I'm going to mark this as DC 45 and

1 Q. Now, on the second page of Exhibit 54, there
2 is an entry for May 12, 1994, where he says -- Franz
3 has typed in and signed that on May 12, which I
4 believe, if I'm not mistaken, is the same day you went
5 to the EEOC, or the next day you went to the EEOC.

6 He asked you to -- that you come in for the
7 overtime assignment at 7:00, is that true?

8 A. Yes.

9 Q. And not at 6:00, but at 7:00?

10 A. At 7:00, yes.

11 Q. And you -- he asked you to take on any one
12 of the jobs that was available and do it. And that
13 you said that -- he says here, and I don't mean to
14 keep this from you -- that you gave excuses, such as,
15 "I don't think it's a good job to do. Today is not a
16 good day to do this. I would rather work at the
17 line," or, "You're wasting my abilities."

18 And he told you, "Either do what I've asked
19 you to do or go home."

20 Do you remember that?

21 A. I remember we didn't discuss that. I didn't
22 have any discussion with Franz as to what he have
23 right there.

24 Q. You had no discussion with him about that?

25 A. He assigned me a job to get inside a

1 computer and search for every possible part or
2 component that an aircraft, flying aircraft needs.

3 Q. Uh-huh.

4 A. And that's a job I have never completed
5 before, I didn't know how to do it, I didn't know what
6 to do, and the aircraft that was flying -- I explained
7 that to him that I haven't done the job before, so I
8 need more information to perform the job.

9 He said, "I don't give a damn. Whatever --
10 do whatever I said or go home." And he walk away and
11 he punched me out.

12 Q. And was that the -- was that on May 12,
13 1994?

14 A. Yes.

15 Q. Okay.

16 A. He also indicated to me that I had always
17 complained to the EEOC. And one of the reasons for
18 giving me that assignment, too, is that I got two non
19 compliance from the inspection department.

20 Q. He says that you threatened him with going
21 to a lawyer or to the EEOC. Is that true?

22 A. No, that's not true.

23 Q. But the next day, you did go to the EEOC?
24 Right?

25 A. I think I go the same day, I think.

1 Q. Okay. And the -- at the time that you filed
2 this amended charge, it seems to me that it says
3 explicitly that you were sent home on May 12. And I
4 will ask you to read that sentence, sent home on May
5 12 out loud, if you could.

6 A. It said on May 12, 1994, I was sent home and
7 denied overtime work when I questioned why I was being
8 given job assignment in the minimum equipment listing
9 book. Another employee --

10 Q. That's what I want to ask you about. Did
11 that happen?

12 A. Yes. I was sent home, yes.

13 Q. Because you didn't want to do the work in
14 the MEL list book?

15 A. No, I did not want to do the work. I
16 explained -- I asked the question, I told him about
17 what I need to do, and what I need to get the job
18 done. And that's the time that he respond to me that,
19 "Well, you got to go home."

20 Q. Do what he asked you to do or go home,
21 right?

22 A. Do what he asked me to do or go home.

23 Q. Okay.

24 A. And I couldn't do the job.

25 Q. Did you know of anyone else who was asked to

1 do work and refused to do it?

2 A. I don't know of anybody who was asked to do
3 work and refused to do it. However, I do know that
4 nobody was asked to do this assignment before in the
5 company in Miami.

6 Q. Nobody ever?

7 A. No.

8 Q. Even before you were there?

9 A. Not that I know of.

10 Q. So it could have happened, you just don't
11 know about it?

12 A. Well, for the time I started work at Eagle
13 up until then, it couldn't have happened in Miami.
14 Because I started there when they were just start
15 flying three airplanes with a few people there.

16 So we didn't have computers and things there
17 then, so it couldn't have happened.

18 Q. When did you get computers?

19 A. Later on, maybe another year down the road.

20 Q. What was the precise thing he asked you to
21 do?

22 A. It was I must locate all the possible -- all
23 the possible components that an aircraft will need to
24 keep flying in case there's a problem came up on any
25 one of the aircraft that American Eagle flies in

1 Miami.

2 Q. That is, by definition, the minimum
3 equipment list, isn't it?

4 A. That go beyond the minimum equipment list.

5 Q. In order to keep an aircraft -- in order for
6 an aircraft to fly, it has to have in operational
7 condition all of the minimum equipment that's required
8 by the FAA, right?

9 A. Yes.

10 Q. And that's called the minimum equipment
11 list, right?

12 A. That's right, yes.

13 Q. All right. Now, what was it that prevented
14 you from being able to do this work?

15 MR. KARLIN: I'll object to the form. I
16 think he's made it clear that he wasn't
17 requesting a minimum equipment list.

18 MR. CONNOR: What? I'm sorry?

19 MR. KARLIN: Your question implies that he
20 was requested to come up with a minimum equipment
21 list, and that's why I'm objecting.

22 He can answer the question.

23 BY MR. CONNOR:

24 Q. Let's adjust to that. And what was it that
25 you told Noel Franz you could not do that he asked you

1 to do?

2 A. I could not come up with all the possible
3 components that the aircraft required to stay flying.
4 What they want me to do is to find every part
5 possible. He didn't -- he didn't build this equipment
6 listing book. He want me to find everything possible
7 to allow him to build one.

8 Q. But in your charge, you said you were given
9 an assignment in the minimum equipment listing book.
10 And that's the assignment you just described.

11 A. Yes.

12 Q. Tell me every part that would be required
13 for every aircraft we use to fly.

14 A. That he would put in the minimum equipment
15 book?

16 Q. Right.

17 A. Everything?

18 Q. Right.

19 A. Was generate an equipment book -- minimum
20 equipment book for that, that when the problem occur
21 he goes to that book and say, well, this part and that
22 part and that part.

23 Q. Either it's there or you don't fly, right?

24 A. No, no. He was going beyond that. Because
25 it says the minimum equipment book is already there

1 and it indicate what the aircraft can fly with and
2 what it cannot fly with.

3 Q. Is it a possibility that you didn't
4 understand the assignment?

5 A. No, it's a possibility that he was
6 retaliating against me of filing previous
7 discrimination charge.

8 Q. Okay, I know that's your claim. And I want
9 to see what you have to prove that claim.

10 What is it in that assignment that day that
11 led you to believe that it was in retaliation for
12 filing a charge?

13 A. First, it commence, this job has never been
14 given to any other employee in the mechanical
15 department since I have been with American Eagle.

16 Q. Uh-huh.

17 A. Secondly, there's no way I could do -- I
18 could find all these parts, because I have to go
19 physically look at the airplane to find out these
20 components that we need, as he requested. And all the
21 aircraft we have there was flying. There is no way I
22 could do that.

23 Q. Did you file a grievance?

24 A. I don't remember filing a grievance on that.
25 I go straight to the EEOC.

1 A. Well, I --

2 Q. -- assuming that's a different group.

3 A. I never heard them.

4 Q. Did you ever hear any -- either of those
5 groups or any black mechanics joke about themselves?

6 A. No.

7 Q. On racial issues?

8 A. No.

9 Q. So you never heard any racial jokes while
10 you were out there?

11 A. I haven't heard any from -- any black racial
12 jokes.

13 Q. Okay. Did you work the same shift with
14 Anthony Lee?

15 A. No.

16 Q. With Mr. Russell?

17 A. At some stage of the game, yes, he does.

18 Q. Mr. McLean?

19 A. I'm not sure about Mr. McLean.

20 Q. Camejo?

21 A. I'm not sure about. Mr. Camejo.

22 Q. Now, you've told me about -- did you ever
23 find out from anybody through hearsay or rumor who
24 made the picture and who made the noose?

25 A. Nobody talked about it.

1 Q. Do you know of any employee to whom that
2 policy did not apply?

3 MR. KARLIN: He just gave you a response to
4 that question.

5 MR. CONNOR: I'm not sure that I agree with
6 that, but --

7 BY MR. CONNOR:

8 Q. Except for that one time with Mr. Underhill,
9 do you know of anyone else?

10 A. I didn't follow it up.

11 Q. Do you know of any other employee who had a
12 similar incident to yours in looking at his personnel
13 file?

14 MR. KARLIN: I'll --

15 BY MR. CONNOR:

16 Q. That is, do you know of any individual who
17 asked to see his personnel file and then was
18 challenged for having taken something out of the file?
19 Did you ever hear of that happening with anyone else?

20 A. No.

21 Q. And did you know that it was company policy
22 that you could not take things out of the file?

23 A. Yes.

24 Q. Because you had made an inspection several
25 times prior to that, right?

1 A. Yes.

2 THE VIDEOGRAPHER: One moment. I need to
3 change video. We're going off the record. The
4 time is 2:33 p.m.

5 (Discussion off the record.)

6 THE VIDEOGRAPHER: The time is 2:33 p.m.
7 We're back on the record.

8 BY MR. CONNOR:

9 Q. Did you ever hear anybody -- other than the
10 time Mr. Perez allegedly called you a nigger, did you
11 ever hear anyone else use that term?

12 A. On the job or --

13 Q. On the job.

14 A. No, never.

15 Q. Okay. Any other -- were you ever harassed
16 physically based on your race in any way?

17 A. No.

18 Q. Other than the noose and the picture, were
19 there any other demonstrations or things put up that
20 you thought were racially offensive?

21 A. No.

22 Q. What assignments outside of your job
23 classification did you experience?

24 A. I used to experience a lot of times I had to
25 still come in and clean the hangar, sweep the hangar

1 didn't got as part of the file.

2 THE COURT REPORTER: I'm sorry, I didn't
3 understand that last part. "Naturally, they
4 wrote it, but I --"

5 THE WITNESS: It was not part of their
6 personnel file.

7 BY MR. CONNOR:

8 Q. Let me show you --

9 MR. CONNOR: Have we entered into a
10 confidentiality stipulation?

11 MR. KARLIN: I'm sorry?

12 MR. CONNOR: Have we entered a stipulation
13 on confidentiality?

14 MR. KARLIN: I don't recall at the moment.

15 (DC Exhibit 72 Composite was marked for
16 Identification and retained by counsel.)

17 BY MR. CONNOR:

18 Q. I'm going to ask you to look at what's
19 marked as DC 72, it's a composite package.

20 (Discussion off the record.)

21 BY MR. CONNOR:

22 Q. Having reviewed Number 72, Mr. Collins, you
23 would no longer say that Mr. Underhill had nothing
24 happen to him for his quality assurance mistakes,
25 would you?

1 A. No. What I would say that these are things
2 that they never used to give to him, and maybe because
3 I complained about it, they gave it to him and have
4 him sign it.

5 Q. In 1991? When did you complain about it?

6 A. I've been complaining about it for quite
7 awhile. Long time.

8 Q. Are there any other people that you think --
9 any other white people that you think did not get
10 quality assurance notifications like yours besides
11 Mr. Underhill?

12 A. I think Mark Howard never get these things
13 for the same problems.

14 Q. And have you remembered him since the last
15 deposition?

16 A. Yes.

17 Q. What did he do that was the same as you
18 and --

19 A. What he do with same similar response was
20 not updating MEL in the computer properly on time.

21 Q. Probably?

22 A. Computer MEL's properly.

23 Q. Properly.

24 A. In the required time and stuff like that.

25 Q. Now, are you testifying here under oath that

1 Mark Howard did that and never received a quality
2 assurance notice?

3 A. In addition to that --

4 Q. Are you saying that?

5 A. Repeat the question for me.

6 Q. Are you saying here under oath that you know
7 that Mark Howard never received a quality assurance
8 notice?

9 A. I never said he never received one.

10 Q. Okay.

11 A. I know of incidents where there were
12 problems develop with the computer, Sabre system, and
13 I know of he didn't get one then.

14 However, American Eagle have a way of
15 sticking things into people's files on them.

16 MR. CONNOR: I -- I -- if you're getting
17 this, you've got to repeat that for me or maybe
18 have it read back.

19 THE COURT REPORTER: Just the last part?

20 MR. CONNOR: Yeah.

21 (Answer read back by the reporter.)

22 BY MR. CONNOR:

23 Q. Oh, you -- what are you suggesting, that
24 Exhibit 72 was stuck in someone's file like that?

25 A. Well, what I'm instigating is that they

NAME: COLLINS, DOBSON ID NO.: 179338
 STATION: 8201 BRANCH: 9962

UPGRADE TO
 LEVEL III ☐ LEVEL II ☐ LEVEL I ☒ LEAD ☐ INSPECTION ☐

APPLICATION

RECEIVED BY: _____ DATE: _____
 REQUIREMENTS: COMPLETE INCOMPLETE
 REVIEWED BY: _____

BOARD REVIEW

MEMBER	EMPLOYEE NO.	APPROVED	DISAPPROVED
<u>CRAIG UNDERHILL</u>	<u>145069</u>	☐	☒
<u>JAMIE NINO</u>	<u>178825</u>	☐	☒
<u>WICK REVELOS</u>	<u>145070</u>	☐	☒
<u>PHILIP BRIDLEY</u>	<u>178918</u>	☐	☒

EXTENDED BOARD

☐	☐
☐	☐

BOARD CHAIRMAN

EMPLOYEE REVIEW: APPROVED ☐ DISAPPROVED ☒ SPLIT ☐ (TEST REQUIRED)
 TEST REQUIRED: NO PASS ☐ FAIL ☐ DATE: _____
 SIGNATURE: [Signature] DATE: 1-23-91

ADMINISTRATIVE

UPGRADE: APPROVED ☐ DISAPPROVED ☒
 EMPLOYEE NOTIFICATION: DATE: 1-25-91
 PAYROLL NOTIFICATION: YES ☐ NO ☒ DATE: N/A
 MANAGER SIGNATURE: [Signature] DATE: 1/25/91

IA-1 8/90





American *Airline*
American Airlines

January 3, 1991

Paul Gaynor
International Vice President
Transport Workers Union
P. O. Box 690597
Tulsa, OK 74169-0597

RECEIVED

MAR 04 1991

*Approved
and
Consent*

BASE MGR.
NASHVILLE EAGLE

Dear Mr. Gaynor:

The following maintenance mechanic upgrade procedure will be used in lieu of testing from the date signatures are obtained on the agreement.

The only exceptions are as follows:

- 1) To upgrade to Tech level I flight line or Hangar Avionics ref: para: 4) a) 1) Personnel employed before the signing of this agreement need not have an airframe license or run and taxi authorizations. It is agreed within ninety (90) days after completing eighteen (18) months with the Company an airframe license will be obtained. Within one hundred and eighty (180) days of becoming a Tech I a run and taxi authorization in two (2) type of aircraft will be obtained.

Failure to do so will cause the upgrade and corresponding pay to be rescinded. The employee will be placed into their previous level and pay until such time as the complete requirements of para: 4) a) 1) are met.

- 2) Personnel employed before the signing of this agreement with medical restrictions at the time of employment will be allowed to upgrade, i.e. not able to operate company equipment.

All facets of the upgrade requirements must be met, except those particular to the medical restrictions, i.e. run and taxi qualifications.

Date Agreed Upon _____

John A. Hayes
President, Nashville Eagle

Paul Gaynor
Vice President, TWU

C:\BETTE\TWU.LTR

December 28, 1990

TO: MIKE STRANGE
JIM ENRIGHT

FROM: DOUG SHOCKEY

RE: MECHANIC UP-GRADE

=====

Attached you will find a copy of a proposed Mechanic Up-grade Review Board. This was developed with the intent of eliminating testing as much as possible. The local TWU and Nashville Eagle management has approved this program, however we would like concurrence from you. Please review the document and give us your comments so we may proceed.

Thank You.

cc: John Hayes
Gene Bried

NASHVILLE EAGLE, INC.
TECHNICIAN UPGRADE APPLICATION

NAME: LEBSON COLLINS ID NO.: 179338
 AION: 1114 8201 BRANCH: 9762

UPGRADE TO

LEVEL III ☐ LEVEL II ☐ LEVEL I ☐ LEAD ☒ INSPECTION ☐

APPLICATION

RECEIVED BY: [Signature] DATE: 2-25-91
 REQUIREMENTS: COMPLETE INCOMPLETE Tech level II
 REVIEWED BY: [Signature] 2-25-91 Seniority date 12-4-89

BOARD REVIEW

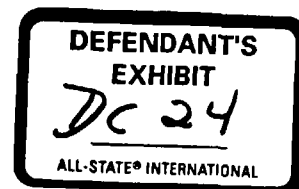
MEMBER	EMPLOYEE NO.	APPROVED	DISAPPROVED
<u>JOHN CORDEIRO</u>	<u>179197</u>	☒	☐
<u>JOHN VANCE</u>	<u>178820</u>	☒	☐
<u>NOEL FRANZ</u>	<u>178831</u>	☐	☒
<u>MARK FRIDLEY</u>	<u>178918</u>	☐	☒
EXTENDED BOARD			
<u>D. MARSE LIGS</u>	<u>178842</u>	☒	☐
<u>R. CLINKSCALES</u>	<u>128871</u>	☐	☒

BOARD CHAIRMAN

EMPLOYEE REVIEW: APPROVED ☐ DISAPPROVED ☐ SPLIT ☒ (TEST REQUIRED)
 TEST REQUIRED: PASS ☐ FAIL ☐ DATE: 3-8-91
 SIGNATURE: _____ DATE: _____

ADMINISTRATIVE

UPGRADE: APPROVED ☐ DISAPPROVED ☒
 EMPLOYEE NOTIFICATION: DATE: 4-2-91
 PAYROLL NOTIFICATION: YES ☐ NO ☒ DATE: 4/2/91
 MANAGER SIGNATURE: [Signature] DATE: 4/2/91





TRANSPORT WORKERS UNION OF AMERICA
AIR TRANSPORT DIVISION



LOCAL ADDRESS

T.W.U. LOCAL 570
P.O. BOX 1063
LAVERGNE, TN
37086-1063

STATEMENT OF GRIEVANCE

Name of Employee Dobson Collins Employee No. 179338
Station Miami Shop or Section LINE Classification Asst Mechanic
Name of Immediate Supervisor Mark Fridley

EMPLOYEE'S STATEMENT OF GRIEVANCE:

On or about February 23rd 1991 I Dobson Collins applied for a lead mechanic position with American Eagle Air Lines. For some unknown reason management went against me on a review board and made me take a written test. This test was given to me the Friday before I went to jet stream training.

The Chairman of the review board had asked Craig Roberts to get with the union president to have him review the test which he did not do. I feel that I have been discriminated against maybe because I am Black and have an accent with my English. I also feel that they made it as hard as they could for me so that I could not take the lead test. I did not finish the test in Miami and did so in Nashville a week later, but I was told by Craig Roberts that I could not receive the jet stream part of the test. I feel this was unfair, before that I was asked to perform lead duties on several occasions in which I did and was commended for a job well done. In the past lead mechanics were given lead tests and they failed, but were still given the lead position. All I am asking for is to be given the same treatment and opportunity the other leads were given.

I authorize the Transport Workers Union of America as my representative to act for me in the disposition of this grievance.

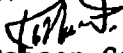
Date 4/18/91 Signature of Employee Collins

Signature of Union Officer John Cordeiro Title CHAIRMAN

Presented to Supervisor 4-22-91 Station MIAMI

This Statement of Grievance is to be made out in TRIPLICATE signed by the employee and the TWU officer handling the case. One copy is to be given to the Supervisor. No. 3 is to be given to the

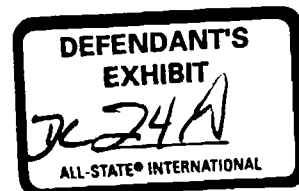
Post-It brand fax transmittal memo 7871		# of pages
To	From	
Ca	Ca	
<u>Kichin L</u>		<u>Mark Fridley</u>

To: Dobson Collins 
From: Mark Fridley 
Subject: Grievance of Dobson Collins
Date: April 25, 1991

I have investigated your grievance dated April 18, 1991 and find that on April 2, 1991 you were advised by the Review Board that you had not been selected to fill the position of Lead Mechanic.

Pusuant to Article 20 of the Agreement between AMR and the TWU, your grievance is untimely.

Accordingly, your grievance is denied.



DISPOSITION OF GRIEVANCE



Decision of Immediate Supervisor:

*Reference attached : grievance denied
due to untimely.*

Date of Decision April 25, 1991 Signature *[Signature]* *Base Manager*
Supervisor's Title

Received.....

Case appealed by..... Date.....

Decision on First Appeal:

Date of Decision..... Signature.....
Title of Company Official

Received.....

Case appealed to Board of Adjustment by..... Date.....

Decision of Board of Adjustment:

Date of Decision..... Signature.....

ved.....

How was this grievance finally disposed.....

Signature of person recording final disposition..... Date.....

CHARGE OF DISCRIMINATION

Form is affected by the Privacy Act of 1974; see Privacy Act Statement on reverse completing this form.

ENTER CHARGE NUMBER

☐ FEPA☒ EEOC 150 91 1879

Metropolitan Fair Housing & Employment Appeals Board

and EEOC

(State or local Agency, if any)

NAME (Indicate Mr., Ms., or Mrs.)

Mr. Dobson Collins

HOME TELEPHONE NO. (Include Area Code)

(305) 985-3635

STREET ADDRESS

6405 Evans Street

CITY, STATE AND ZIP CODE

Hollywood, FL 33024

COUNTY

Broward

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

American Eagle Airline

NO. OF EMPLOYEES/MEMBERS

15+

TELEPHONE NUMBER (Include Area Code)

(305) 526-1970

STREET ADDRESS

P.O. BOX 592237 Miami International Airport

CITY, STATE AND ZIP CODE

Miami, FL 33159

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ AGE ☐ RETALIATION ☐ OTHER (Specify)DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE
(Month, day, year)

3/29/91

THE PARTICULARS ARE (If additional space is needed, attached extra sheet(s)):

I am a Black. I have worked for the above named Respondent as an Aircraft Mechanic since 12/4/89 and am so currently employed.

I applied for a lead mechanic position and was denied, despite of my qualifications. Another employee of a different race with less experience and qualifications was selected.

I feel I have been discriminated against because of my race, in violation of Title VII of the Civil Rights Act of 1964, as amended.

DEFENDANT'S
EXHIBIT

DC-25

ALL-STATE® INTERNATIONAL

☐ I also want this charge filed with the EEOC.

I will advise the agencies if I change my address or telephone number. I will cooperate fully with them in the processing in accordance with their procedures.

Under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary to meet State and Local Requirements)

I swear or affirm that I have read the above 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
(Day, month, and year)

Charging Party (Signature)

**NASHVILLE EAGLE, INC.
TECHNICIAN UPGRADE APPLICATION**

NAME: Dobson Collins ID NO.: 179338
STATION: 8201 BRANCH: 9962

UPGRADE TO

LEVEL III ☐ LEVEL II ☐ LEVEL I ☐ LEAD ☐ INSPECTION ☒

APPLICATION

RECEIVED BY: ROBERT CLINKSCALES DATE: 8/12/91
REQUIREMENTS: COMPLETE INCOMPLETE ☒ SENIORITY DATE 12/4/89
REVIEWED BY: ROBERT CLINKSCALES

BOARD REVIEW

MEMBER	EMPLOYEE NO.	APPROVED	DISAPPROVED
<u>ROBERT CLINKSCALES</u>	<u>129871</u>	☐	☒
<u>PETE HOLM</u>	<u>134760</u>	☐	☒
<u>JIMMY MARJELLO</u>	<u>178842</u>	☐	☒
<u>ES REYES</u>	<u>179326</u>	☐	☒

EXTENDED BOARD

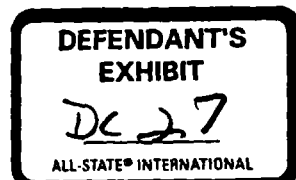
☐	☐
☐	☐

BOARD CHAIRMAN

EMPLOYEE REVIEW: APPROVED ☐ DISAPPROVED ☒ SPLIT ☐ (TEST REQUIRED)
TEST REQUIRED: PASS ☐ FAIL ☐ DATE: _____
SIGNATURE: Robert Clink DATE: 9/4/91

ADMINISTRATIVE

UPGRADE: APPROVED ☐ DISAPPROVED ☒
EMPLOYEE NOTIFICATION: DATE: 9/5/91
PAYROLL NOTIFICATION: YES ☐ NO ☒ DATE: _____



MANAGER SIGNATURE: Robert Clink DATE: 9/5/91

NASHVILLE EAGLE, INC.
TECHNICIAN UPGRADE APPLICATION

5-29-91

NAME: DOBSON C. ID NO.: 129338
STATION: 8201 BRANCH: 9862

UPGRADE TO

LEVEL III ☐ LEVEL II ☐ LEVEL I ☒ LEAD ☒ INSPECTION ☐ AVIATIONICS

APPLICATION

RECEIVED BY: [Signature] DATE: 10/8/91
REQUIREMENTS: COMPLETE INCOMPLETE
REVIEWED BY: [Signature]

BOARD REVIEW

MEMBER	EMPLOYEE NO.	APPROVED	DISAPPROVED
<u>Mr. J. F. Carr</u>	<u>178971</u>	☐	☒
<u>Carl V. Grogan</u>	<u>134957</u>	☐	☒
<u>[Signature]</u>	<u>179828</u>	☐	☒
<u>[Signature]</u>	<u>178825</u>	☒	☐
EXTENDED BOARD		☐	☐
		☐	☐

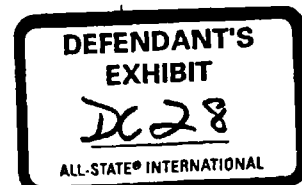
BOARD CHAIRMAN

EMPLOYEE REVIEW: APPROVED ☐ DISAPPROVED ☐ SPLIT ☐ (TEST REQUIRED)
TEST REQUIRED: PASS ☐ FAIL ☐ DATE: _____
SIGNATURE: _____ DATE: _____

ADMINISTRATIVE

UPGRADE: APPROVED ☐ DISAPPROVED ☐
EMPLOYEE NOTIFICATION: DATE: _____
PAYROLL NOTIFICATION: YES ☐ NO ☐ DATE: _____

MANAGER SIGNATURE: _____ DATE: _____



Date: 10-8-91 PREVIOUS Bid Requested was JUNE 1990 &
APRIL 1991

BID REQUEST SHEET

To ATT. AL ALVAREZ

This is to notify you that I am submitting a bid request for the position of AVIONICS TECHNICIAN.

Employee Name Dobson Collins (Please print or type)

Employee No. 179338

Present Tech Level II

Seniority Date 12-4-89

Current Station Miami

Date Submitted 10-8-91
D. Collins
Employee Signature

Note: In order to expedite your request we suggest you facsimile this request with a telephone follow-up call to the person whose name appears above. This assures you that your bid has been received.

UNITED STATES OF AMERICA FEDERAL COMMUNICATIONS COMMISSION GENERAL RADIOTELEPHONE OPERATOR LICENSE (General Radiotelephone Certificate)		
Endorsement		Name DOBSON COLLINS
☐ Ship Radar		Date of Birth 5/19/57
☒ None		Expiration Date 05/31/95
☐ Other (See attachment)		License Number PG-7-14318
INVALID IF MORE THAN ONE BLOCK MARKED		
SEE OVER		Signature
		INVALID UNLESS SIGNED

UNITED STATES OF AMERICA FEDERAL COMMUNICATIONS COMMISSION GENERAL RADIOTELEPHONE OPERATOR LICENSE (General Radiotelephone Certificate)		
Name DOBSON COLLINS		
Date of Birth 5/19/57		
Expiration Date 05/31/95		
License Number PG-7-14318		
Signature		
Invalid if more than one block marked		
See over		

TRANSPORT WORKERS UNION OF AMERICA

LOCAL ADDRESS

AIR TRANSPORT DIVISION

TWU, LOCAL 570

P.O. Box 1163

LAUREGNE, TN

37086-1063

STATEMENT OF GRIEVANCE

FOR

BY

Name of Employee DOBSON COLLINS JOHN CORDEIRO Employee No. 179338-179097Station MIAMI Shop or Section LINE Classification MECHANICName of Immediate Supervisor MARK FRIDLEY

EMPLOYEE'S STATEMENT OF GRIEVANCE:

ON 9-4-91 A REVIEW BOARD WAS HELD FOR THE PURPOSE OF UPGRADING DOBSON COLLINS FROM MECHANIC TO INSPECTOR. ROBERT CLINKSCALES WHO WAS A MEMBER OF THIS REVIEW BOARD FOR THE COMPANY SIDE USED DOBSON COLLINS PERSONAL FILE IN THIS REVIEW BOARD CASE. NO PLACE IN THE REVIEW BOARD RULES DOES IT SAY TO USE AN EMPLOYEE'S PERSONAL FILE, THIS IS A VIOLATION OF PRIVACY. ALSO THE CHIEF INSPECTOR FROM NASHVILLE, PETE HOLMES WAS USED ON THIS BOARD. I FEEL THIS WAS NOT RIGHT, AND THROU ONE OF THE MEMBERS DID NOT HAVE THE OPPORTUNITY TO READ THE REVIEW BOARD RULES. THEREFORE AS THE CHAIRMAN OF THE TWU IN MIAMI I ASK FOR ANOTHER REVIEW BOARD FOR THIS APPLICANT BECAUSE IT WAS NOT RIGHT OR FAIR THE WAY THIS BOARD WAS CONDUCTED.

DEFENDANT'S
EXHIBIT

D-29

ALL-STATE INTERNATIONAL

I authorize the Transport Workers Union of America as my representative to act for me in the disposition of this grievance.

Date 9/7/91Signature of Employee John CollinsSignature of Union Officer John Cordeiro

CHAIRMAN MIAMI

Title

Date presented to Supervisor 9-9-91

305

Station MIAMI

This Statement of Grievance is to be made out in TRIPLICATE. All three are to be signed by the employee and the TWU officer handling the case. Forms No. 1 and 2 are to be given to the Supervisor. No. 3 is to be given to the Local.

DISPOSITION OF GRIEVANCE

5

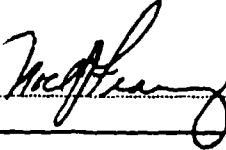
Decision of Immediate Supervisor:

I have investigated your grievance concerning the fairness of the board of review that was conducted for a transfer to the Inspection Department. after reviewing the facts and information I am satisfied that the board was performed properly. Therefore, since all four of the board members voted unanimously your grievance for another review has been denied.

Date of Decision

9/11/91

Signature



Supervisor's Title



Received

Case appealed by

Date

Decision on First Appeal:

Date of Decision

Signature

Title of Company Official

Received

Case appealed to Board of Adjustment by

Date

Decision of Board of Adjustment:

Date of Decision

Signature

Received

v was this grievance finally disposed

Signature of person recording final disposition

Date

White Copy - Company

Yellow & Pink Copy - Union



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Miami District Office

Miami District Office
1 Northeast First Street, 6th Floor
Miami, FL 33132
(305) 536-4491

July 24, 1992

RECEIVED

AUG 31 1992

RECEIVED

AUG 21 1992

MIA PERSONNEL
FLAGSHIP AIRLINES, INC.

Mary F. Dugue
5700 NW 36th Street
Building 1040
Miami, Florida 33122

RE: Dobson Collins vs American Eagle Airline
EEOC Charge No. 150 91 1879, 150 92 1019

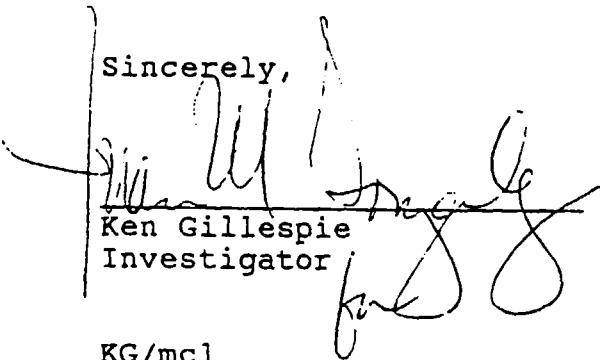
92 AUG 17 AM 7:13
U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

Dear Ms. Dugue:

Enclosed please find a fully executed copy of the Negotiated Settlement Agreement in reference to the above charge for your file.

The Commission thanks you for your cooperation and prompt attention in resolving this matter.

Sincerely,


Ken Gillespie
Investigator

7/28/92
Date

KG/mcl

Encl.: Negotiated Settlement





U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Miami District Office

Miami District Office
1 Northeast First Street, 6th Floor
Miami, FL 33132
(305) 336-4491

NEGOTIATED SETTLEMENT AGREEMENT

1. The following agreement refers to Charge No. 150 91 1879 and 150 92 1019 on file with the Equal Employment Opportunity Commission (EEOC) under Title VII of the Civil Rights Act of 1964, as amended.
2. In exchange for satisfactory fulfillment by Respondent of the promises contained in paragraph (3) of this Agreement, the Charging Party agrees not to institute a lawsuit with respect to the above referenced charge.
3. In exchange for the promises of Dobson Collins contained in paragraph (2) of this Agreement, the American Eagle Airlines agrees to:
 - A. Affirm and confirm that the Charging Party has been upgraded to Tech Level (1) as of June 1991, and his rate of pay adjusted to its equivalent in accordance with established policies.
 - B. That Respondent affirms that Charging Party will not be penalized in future consideration transfers, promotions, and other terms and conditions of employment because of these proceedings.
 - C. That there should be no discrimination or retaliation of any kind against any person because of opposition to any practice declared unlawful under Title VII of the Civil Rights Act of 1964, as amended; or because of the filing of a charge; giving of testimony or assistance; or participation in any matter in any investigation, proceeding or hearing under Title VII of the Civil Rights Act of 1964, as amended.
 - D. To re-emphasize its EEO policy to all of its Maintenance employees, particularly, to those who perform in a supervisory or lead capacity, limited to Respondent's Miami facility. The emphasis will go to the extent of requiring all employees to attend a meeting.
4. It is understood that this Agreement does not constitute an admission by the Respondent of any violation of Title VII of the Civil Rights Act of 1964, as amended.
5. The Respondent agrees to provide written notice to the Director of the Miami District Office within 10 days of satisfying each obligation specified at paragraph (3) of this Agreement.

EEOC CHARGE NO. 150 91 1879 AND 150 92 1019
PAGE 2

6. The parties agree that this Agreement may be specifically enforced in court and may be used as evidence in a subsequent proceeding in which any of the parties allege a breach of this Agreement.

Mariuz Duque/Personnel Representative

Mariuz Duque
Respondent

7/20/92
Date

[Signature]
Charging Party

7/20/92
Date

7. In reliance on the promises made in paragraphs (2) and (3), (5) and (6) EEOC agrees to terminate the investigation which it has begun and not to use the above referenced charge as the jurisdictional basis for a civil action under the Title VII of the Civil Rights Act of 1964, as amended and/or the Age Discrimination in Employment Act of 1967, as amended. EEOC does not waive or in any manner limit its right to process or seek relief in any other charge or investigation including but not limited to, a charge filed by a member of the Commission against the Respondent.

On behalf of the Commission:

7/23/92
Date

[Signature]
Federico Costales
District Director

FC/WD/JMG/KLG/mcl



Miami District Office

1 Northeast First Street, 6th Floor
Miami, FL 33132-2491
P11: (305) 536-1491
TDD: (305) 536-5721
FAX: (305) 536-1011

Mr. Dick Malahowski
Labor Relations Attorney
American Eagle Airlines
P.O. Box 619616, MD 5675
DFW Internat'l. Airport, Texas 75261-9616

Re: Charge No: 150-93-2683 and 150-93-2699
D. COLLINS VS. AMERICAN EAGLE AIRLINES

Dear Mr. Malahowski:

This is to inform you that the charge cited above has been withdrawn as the result of a request from the Charging Party pursuant to the Commission's regulations under Title VII.

The Commission's acceptance of this withdrawal terminates investigation of this charge. This withdrawal does not affect the investigation of any other charge.

On behalf of the Commission:

3-16-94
Date

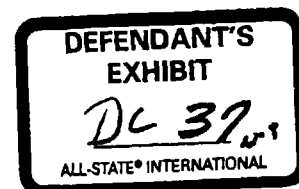
William Daley for
Federico Costales
District Director

FC/EMU/DPK/ayh

RECEIVED

MAR 22 1994

LEGAL DEPT



May 13, 1993

To: Dobson Collins
Employee Number 179338
Aircraft Mechanic

RE: Career Decision Day

On Thursday, April 22, 1993 you were assigned to work a field trip in NAS. You were scheduled to depart MIA on flight 5733.

The passenger service agent working the flight asked you for your proof of citizenship. You responded, "I don't have to show you anything". The agent advised you that before anyone could board the aircraft they had to show proof of citizenship. Again you told her that you were not going to show her anything. She asked you if you had your passport and asked to see it. You responded, "Stop being a pain". You exited the terminal and walked out onto the ramp.

Subsequently, you boarded the aircraft without authorization and became argumentative with the agent in front of passengers. The Captain asked you to de-plane, at which time you produced your work permit.

Your conduct was not only unprofessional, but resulted with the flight being delayed ten (10) minutes.

Your actions as described above not only constitutes unsatisfactory job performance, but is also in direct violation of Flagship Airlines General Rules of Conduct #9 and #12, which states:

9. Do not enter, climb upon or fly Company airplanes unless authorized to do so.
12. Cooperate with other employees, thus avoiding delays in flights and poor service to the public.

In view of the above, you will be given a "Career Decision Day Off", with pay, to review and select on e of the following options:

Option 1. Sign a "Letter of Commitment" agreeing to comply with all Company Rules and Regulations, inclusive of both satisfactory work performance and personal conduct.

Option 2: Sign an agreement not to exercise your grievance rights and in turn, the Company will accept your resignation with the following transition benefits:

- a. Health insurance benefits will remain in effect for 90 days after the date of resignation with premium pay by the Company.
- b. One-way return home pass will be available for you and eligible family members (valid for 30 days after date of resignation).
- c. Out placement counseling by appropriate Personnel Office.
- d. Payment of \$500.00 by the Company of documented employment agency fee for other employment.



Option 3: Termination of employment with option to grieve.

I urge you to carefully consider each option and be prepared to advise me of your selection upon return from your "Career Decision Day Off". Additionally, if you choose Option 1, you must sign and date the attached "Letter of Commitment".

Edgar Cerezo

Edgar Cerezo, Base Manager

9962/8201

Station/Branch

✓

Handed to employee

Mailed to employee

may 13/1993 *EJ/ler*

Date

By

cc: Personnel File
Employee Relations



4-22-93

To: Edgar Cerezo

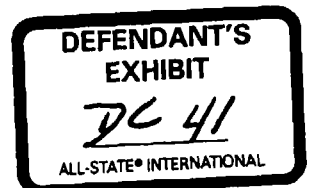
From: Harold Allen

Subject: Dobson Collins - Road Trip

MOC informed us at 1815 that A/C 298, was down in Nassau, with a AHARS computer fail. I contacted lead mechanic Chris Muise who informed me that he was not able to get a qualified mechanic to volunteer for the trip. I then proceeded to the terminal, to attempt to convince the only Avionics mechanic, Dobson Collins, to go on the field trip. Dobson initially refused, than later agreed to go when I informed him, I would have to issue a direct order. After completeing the required paperwork, I believed that the problem had been resolved, and Dobson was on his way. I last saw Dobson at operations where he was told to report to the ticket counter. After reporting to the ticket counter He refused to show his identification to agent Annete Gano. He told her, it was in his pocket and if he had to show it he would not go to Nassau. Than Dobson walked out of the terminal and proceeded to attempt to board the Aircraft. Ms. Gano informed him that he could not board without first showing the required documentation. At this point a loud argument broke out between Dobson and Ms. Gano which was eventually broken up by the Capt. who agreed to take responsibility for Mr. Collins and the flight was dispatched. This flight was delayed 10 minutes.

Harold Allen - mx supervisor

Post-It™ brand fax transmittal memo 7671		# of pages • IF
To R. K. [unclear]	From E. Cerezo	
Co.	Co.	
Dept.	Phone #	
Fax # 871-1323	Fax # 526-1976	



**AMERICAN EAGLE
PERFORMANCE COUNSELING RECORD**
☒ SHVILLE EAGLE
☐ COMMONS
☐ WINGS WEST
☐ EXECUTIVE
☐ COMMAND

179338	D.	Collins	8201	9962	12/04/89	1993	first
EMPLOYEE NO	INITIAL	LAST NAME	ORG CODE	STA CODE	CO SENIORITY DATE	YEAR	PAGE NBR

DATE OF INCIDENT OR ACTION	SUBJECT OR INCIDENT DISCUSSED	DETAILS/ACTION TAKEN/COMMENDATION/OTHER REMARKS BRIEFLY EXPLAIN WHAT WAS DISCUSSED/COMMITMENTS MADE INCLUDE ANY SIGNIFICANT DATE/TIME/PLACE. SUPERVISOR'S SIGNATURE/DATE FOLLOWING EACH ENTRY
4/22	RULES OF CONDUCT VIOLATIONS	On April 22, Dobson was assigned to respond to NAS for a field trip to repair an out-of-service aircraft. Dobson initially refused to go on field trip when ordered by Supervisor Harold Allen. This in direct violation of rule of conduct #20 "Be courteous to Supervisor, and co-workers". Dobson agreed to go on field trip after Supervisor advised him that he would be terminated for refusing a direct order in writing. <i>Elmer - BY MBE</i>
4/22	RULES OF CONDUCT VIOLATION	On April 22, Dobson refused to show proper I.D. and documentation to passenger services agent Annette Gano prior to boarding an international flight to Nassau. His refusal to show a passport prior to departing U.S. was in direct violation of U.S. and Bahamian Immigration Laws, and, would subject American Eagle to violations and fines. Dobson failure to follow Ms. Gano's request is in direct violation of Rules of Conduct #32. Threatening, intimidation or otherwise interfering with other employee Per Ms. Gano's report Dobson was abusive, raising his voice in front of passengers and questioning her authority to request his passport. <i>Elmer BY MBE</i>
4/22	RULES OF CONDUCT VIOLATION	Dobson boarded an aircraft without proper documentation or authorization for an international flight. When questioned and asked to deplane Dobson started arguing and challenging passenger service agent A. Gano in front of passengers which were already boarded. The aircraft Captain had to intervene in order to maintain peace. Dobson attitude and demeanor is in direct violation of Rules of Conduct #22 and #23. <i>Elmer BY MBE</i>
5/14	Career Decision DAY	"LETTER OF COMMITMENT" <i>Dobson has been caught and counseled about his demeanor, attitude, cooperation with other employees and consideration for our passengers</i>

**DEFENDANT'S
EXHIBIT**
DC 42

ALL-STATE INTERNATIONAL

N4IREG

STAR IREG

US **** IRREGULARITY REPORT **FIELD SERVICES**

1N

2N

3N

4N

5N

6N

7N

8N

9N

10N

11N

12N

13N

14N

15N

16N

17N

18N

19N

20N

21N

22N

23N

24N

25N

26N

27N

28N

29N

30N

31N

32N

33N

34N

35N

36N

37N

38N

39N

40N

41N

42N

43N

44N

45N

46N

47N

48N

ON 4-22-93 MECHANIC COLLINS WAS ASSIGNED

TO DEAD HEAD ON FLT 5733 TO NASSAU WHEN CHECKING

IN MR COLLINS I (ANNETTE GANO) ASKED HIM FOR

HIS PROOF OF CITIZENSHIP MR COLLINS SAID "I DON'T

HAVE TO SHOW YOU ANYTHING" I THEN ADVISED MR

COLLINS THAT BEFORE ANYONE COULD BOARD AN INTERN. FLT

THEY HAD TO SHOW PROOF OF CITIZENSHIP MR COLLINS AGAIN

STATED THAT HE WAS NOT GOING TO SHOW ME ANYTHING

I ASKED AGAIN HE SAID HIS PASSPORT WAS IN HIS

POCKET... I ASKED IF HE COULD SHOW IT TO ME

HE SAID "STOP BEING A PAIN" AND WALKED OUT

ONTO THE RAMP I ADVISED LEAD AGT. FRANCO

OF THE SITUATION. IN WHICH SHE INFORMED OPS +

CREW ON BOARD. I PROCEEDED TO AIRCRAFT WITH

BOARDING PASS FOR EMPLOYEES SIGNATURE + I.D. (THERE

WAS ALSO NO PNR OR AUTHORIZATION). AS I WALKED TO

A/C MR COLLINS BLEN THE VAN HORN AT ME THAT HE

WAS DRIVING + SAID "WHY ARE YOU BEING SUCH A

PAIN?" I INFORMED MR COLLINS THAT I WAS

DATE 4-23-93

SIGNATURE Annette J. Gano

BIA 10 METER 505M OPEN

P-NONE

23APR93

77

MIG-16AD000 1839/23APR93 7FB70A

Annette J. Gano
341643E8NDEFENDANT'S
EXHIBIT

IX-43

ALL-STATE INTERNATIONAL

DOING MY JOB PROPERLY. HE SAID ARE
YOU TELLING ME I CAN'T GET ON THE A/C
I SAID "NO, I'M ASKING YOU TO SHOW
ME DOCUMENTATION SO YOU CAN BOARD
THE A/C." MR. COLLINS DROVE OFF, I
GOT ON THE A/C + ADVISED CAPT.

SEAVY OF THE SITUATION. MR. COLLINS
CAME ONTO THE A/C AND IN FRONT

OF THE PAXS ONCE AGAIN (LOUDLY)
SAID "YOU ARE A REAL PAIN YOU
~~ASKED ME WHY I WAS~~ KNOW THAT?" AT THAT POINT CAPT
SEAVY ASKED MR. COLLINS TO DE PLANE,
THEY HAD A CONVERSATION AT THE
BOTTOM OF THE STEPS, IN WHICH MR.
COLLINS SHOWED THE CAPT HIS WORK
PERMIT, THIS INCIDENT WAS ALSO

WITNESSED BY AGENT ANDERSEN
F/O BENNETT
F/A HAYES

Ms. Wanda Morris Hightower
Attorney
American Eagle - American
P.O. Box 619616
Md 5494
Dallas, TX 75261-9616

TH/ PERSON (check one)	
☒	CLAIMS TO BE AGGRIEVED
☐	IS FILING ON BEHALF OF ANOTHER
DATE OF ALLEGED VIOLATION	
Earliest	Most Recent
04/30/94	05/12/94
PLACE OF ALLEGED VIOLATION	
MIAMI SPRINGS, FL	
CHARGE NUMBER	
150942550	

NOTICE OF CHARGE OF DISCRIMINATION

(See EEOC "Rules and Regulations" before completing this)

You are hereby notified that a charge of employment discrimination organization under:

- ☒ TITLE VII OF THE CIVIL RIGHTS ACT OF 1964
- ☐ THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967
- ☐ THE AMERICANS WITH DISABILITIES ACT
- ☐ THE EQUAL PAY ACT (29 U.S.C. SECT. 206(d)) Investigation will be conducted concurrently with our investigation of this charge.

The boxes checked below apply to your organization:

1. ☐ No action is required on your part at this time.
2. ☒ Please submit by 01/14/94 a statement of your position with respect to the allegation(s) contained in this charge, with copies of any supporting documentation. This material will be made a part of the file and will be considered at the time that we investigate this charge. Your prompt response to this request will make it easier to conduct and conclude our investigation of this charge.
3. ☒ Please respond fully by 01/14/94 to the attached request for information which pertains to the allegations contained in this charge. Such information will be made a part of the file and will be considered by the Commission during the course of its investigation of the charge.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

MIAMI DISTRICT OFFICE
One Biscayne Tower, Suite 2700
2 South Biscayne Blvd.
MIAMI, FLORIDA 33131

Ozzie Black, Supervisor
(Commission Representative)
(305) 530-6023
(Telephone Number)

☒ Enclosure: Copy of Charge

BASIS OF DISCRIMINATION

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NAT. ORIGIN ☐ AGE ☐ DISABILITY ☒ RETALIATION ☐ OTHER

CIRCUMSTANCES OF ALLEGED VIOLATION

See enclosed Form 5, Charge of Discrimination.

DATE 2/14/94	TYPED NAME/TITLE OF AUTHORIZED EEOC OFFICIAL Federico Costales Director	SIGNATURE 
-----------------	---	--

EEOC FORM 131 (Rev. 08/92)

DEFENDANT'S
EXHIBIT

DC-48

ALL-STATE INTERNATIONAL

RESPONDENT'S COPY

Metro Dade Equal Opportunity Board

and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.) Mr. Dobson Collins		HOME TELEPHONE (Include Area Code) (305) 985-5655	
STREET ADDRESS 6405 EVANS STREET, HOLLYWOOD, FL 33024		CITY, STATE AND ZIP CODE DATE OF BIRTH 05/19/57	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME AMERICAN EAGLE - AMERICAN AIRLINES		NUMBER OF EMPLOYEES, MEMBERS TELEPHONE (Include Area Code) (305) 526-1975	
STREET ADDRESS 5700 N.W. 36TH STREET, P.O. BOX 592237, MIAMI SPRINGS, FL 33122		CITY, STATE AND ZIP CODE COUNTY 025	
NAME		TELEPHONE NUMBER (Include Area Code)	
STREET ADDRESS		CITY, STATE AND ZIP CODE COUNTY	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) ☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify)		DATE DISCRIMINATION TOOK PLACE EARLIEST 04/30/94 LATEST 05/12/94 ☒ CONTINUING ACTION	

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

AMENDED CHARGE OF DISCRIMINATION

On or about May of 1993 I filed EEOC Charge No 150932683. The Charge was resolved on March 16, 1994. The next month, pay period ending April 29, 1994 I was docked one hour of overtime I worked. On May 5 & 6 I was written up for Quality Assurance of Non-Compliance. On May 12, 1994 I was sent home and denied overtime work when I questioned why I was being given a job assignment in the Minimum Equipment Listing Book. No other employee has been subjected to the adverse terms and conditions I have under similar conditions. I was also suspended from December 3, 1994 to December 7, 1994, withheld from service without pay on December 7th and terminated on December 12, 1994.

Mr. Noel Franz stated he was docking me overtime for 1 hour because overtime didn't start until 0700 yet I was never told this and started my normal work time 0600. Mr. Franz further told me because I had 2 non-compliance write ups he was giving me the Minimum Equipment Listing job assignment. He then sent me home because I questioned him citing I am a troublemaker for the company by going to EEOC. I received a letter from Noel Franz stating I was terminated for conduct and job related problems. I was told by Franz that I was suspended pending an investigation into my copying a document from my personnel file.

I believe that I was retaliated against by Respondent in violation of

*** Text Continued on Attached Sheet(s) ***

☐ 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 telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the foregoing is true and correct.	NOTARY - (When necessary for State and Local Requirements)
	I swear or affirm that I have read the above 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 DATE (Day, month, and year)

Date

Charging Party (Signature)

Equal Employment Opportunity Commission
Form 5 - Charge of Discrimination, Additional Text

Section 704(a) of Title VII of the Civil Rights Act of 1964, as amended
by being subjected to adverse terms and conditions of employment for
previously protesting Title VII violations.

FIRST SHIFT MECHANICAL OVERTIME

Overtime will start at 0700 unless otherwise noted.

Overtime will be approved according to the senior person not on double time.

If the workload demands, double time will be approved in order of seniority.

Overtime will be issued to first shift employees first, first mechanics then inspectors.

If the workload demands mechanics from other shifts, they will be considered only if overtime slots on their respective shifts are full.

Overtime personnel are to report to supervisor for assignment to line or hangar at the start of the shift..

Overtime will be approved seven days in advance.



Transport Workers Union of America

Air Transport Division, AFL-CIO

1161 Murfreesboro Road Suite 203 Nashville, Tennessee 37217-2222

Local 570

President Scott L. Roberson

Sec. Treasurer Douglas K. Hansen

V. President Jesse Rivera

Rec. Secretary Vincent Lindner

B.M. at Large Glen Allen Kemp

TO: Flagship Airlines Board Of Adjustment

Subject: Discharge of Mr Dobson Collins

From: Scott L. Roberson

Date: 1-26-95

Pursuant to Article 21, section H, of the agreement between The Transport Workers Union of America AFL-CIO, and Flagship Airlines INC. covering Mechanics & Related. The Union enters this submission of dispute scheduled for hearing as per Article 21, section E.

A) Question or Questions at issue. Was the termination of Mr. Collins justified.

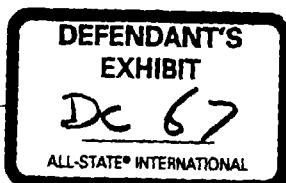
B) Position of the Union. Is that the termination of Mr Collins was without merit and unjust.

C) Relief sought by grievant. To be made whole in every way.

Scott L. Roberson

Scott L. Roberson

President TWU Local 570



DISPOSITION OF GRIEVANCE REPORT

TO: Brother/Sister Dobson Collins

SUBJECT: Your grievance dated 1-4-95 regarding
termination

has been:

- ☒ (a) Submitted to the System Board of Adjustment for hearing.
- ☐ (b) Submitted to the System Board of Adjustment to comply with the time limit provisions of the Agreement pending a review and investigation of the merits of your grievance.
- ☐ (c) Not submitted/withdrawn due to a lack of merit for the following reason(s):

Local 570

Grievance Screening Committee

Date: 1-26-95

Scott L. Roberson
Vice-Pres. T.W.U. Local 570
1161 Murfreesboro Road Box 284
Nashville, TN. 37217

TULE FORM 8025

QUALITY ASSURANCE NOTIFICATION OF NON-COMPLIANCE

TO:

CRAIG UNDERHILL #145069

COPY:

BASE MGR

N

847AE

STATION

MIA

DATE

2/15/91

MANUAL REF:

GPM 5-01

FAR REF:

NON-COMPLIANCE

① ITEM 25 LOG PAGE 20969 MAINTENANCE
MANUAL REFERENCE NOT DOCUMENTED

SIGNATURE

129871
P. C. C.EMPLOYEE NAME (PRINT)
EMPLOYEE STATEMENTCraig A. Underhill
REQUIRED ☒EMPLOYEE NUMBER
NOT REQUIRED

145069

In the rush of the books I did not include the
required MM reference.

SIGNATURE

Craig A. Underhill

DATE

2-15-91

145069

*ATTACH SEPARATE SHEET IF NECESSARY

ACTION TAKEN TO PREVENT REURRENCE

Will include MM for corrective actions.

SIGNATURE

Craig A. Underhill

DATE

2-15-91

145069

COPIES:

Respond to applicable manager within 72 hours.

DEFENDANT'S
EXHIBIT

DC-72

ALL-STATE INTERNATIONAL

TULE FORM 8025

QUALITY ASSURANCE **NOTIFICATION OF NON-COMPLIANCE**

TO: CRAIG UNDERHILL #145069
 COPY: BASE MGR

N 210 STATION MEANZ DATE 2/15/91
 MANUAL REF: GPM 5-01 FAR REF: _____
 NON-COMPLIANCE

① ZTEM 61 LOGPAGE 02707 ^{THE} BY
 BLOCK EN MECHANICAL DISCREPANCIES
 BLOCK NOT A PAYROLL SIGNATURE

129871
 SIGNATURE R. [Signature]

EMPLOYEE NAME (PRINT) Craig A. Underhill EMPLOYEE NUMBER 145069
 EMPLOYEE STATEMENT REQUIRED ☒ NOT REQUIRED

I thought information in this section was only for informational purposes, after reading GPM 5-01 (B) f. I found I have to use full name ~~whether its~~ Printed and ~~signed~~

SIGNATURE Craig A. Underhill 145069 DATE 2-15-91

***ATTACH SEPARATE SHEET IF NECESSARY**

ACTION TAKEN TO PREVENT RECURRENCE

Will USE Full Name AS instructed by
 GPM 5-01 Pg. 2 item B. Paragraph F.
 Will NOT use initials
 any more.

SIGNATURE Craig A. Underhill 145069 DATE 2-15-91

COPIES:

Respond to applicable manager within 72 hours.

SECTION F Item #19 States: PRINT Lastname

AE-MTX-1804-01MAR91

QUALITY ASSURANCE

NOTIFICATION OF NON-COMPLIANCE

TO: MAINTENANCECOPY: C. UNDERHILL # 145069A/C 912 CARR. NVEA STATION MEMPHIS DATE 11/5/91

MANUAL REF: _____ FAR REF: _____

NON-COMPLIANCE

① Item 1 fogpage 012443 PZICP IS NOTE to maintenance stating that the aircraft was not sumped at the outstation. Upon return to the hub the aircraft should have been sumped, and signed off in action taken column as being sumped.

SIGNATURE: P. Clark 129871EMPLOYEE NAME (PRINT) C. UNDERHILL EMPLOYEE NUMBER 145069EMPLOYEE STATEMENT* REQUIRED ☒ NOT REQUIRED ☐

Corrective Action Should have included
 "Mx Noted - Fuel tanks Sumped" Next time
 I'll be more specific As the fuel tanks
 were Sumped.

SIGNATURE Cay Underhill DATE 11-9-91

* ATTACH SEPARATE SHEET IF NECESSARY

ACTION TAKEN TO PREVENT RECURRENCE:

SIGNATURE _____

COPIES: White - RETURNED ANSWERED
Yellow - STATION FILES

REPLY REQUIRED WITHIN 10 DAYS

Place
 In
 File
 PL

11-18-94 11:05 AM FROM A. J. MINTO HANGAR TO MIA MIA LINE

201

AE-MTX-1804-01MAR91

QUALITY ASSURANCE

NOTIFICATION OF NON-COMPLIANCE

TO: E. J. M. C. C. C. C.COPY: E. J. M. C. C. C. C.A/C 284 GARR. NVEA STATION M. A. M. I DATE 4/21/94MANUAL REF: GPM 17-02 PG 3 ITEM 7C FAR REF: 121 027**NON-COMPLIANCE**

ON 4/20/94 I RECEIVED 2 MELS ON A/C 284 FOR
A 1st MEL + W/S HEAT. AS PER GPM & FSE'S
LISTED ABOVE PUBLIC REQUIRED TO GIVE FOLLOW INFO
AS OF 4/21/94 0600 THERE WAS NO INFORMATION
AVAILABLE

SIGNATURE: [Signature]EMPLOYEE NAME (PRINT) Chris D. UNDERHILLEMPLOYEE NUMBER 145069

EMPLOYEE STATEMENT*

REQUIRED ☒

NOT REQUIRED

To No Excuse of my own I was doing a PS-1, fuel leak and
2 mels in the rain while getting covered with fuel.

I understand it is my Responsibility to enter MEL info
into Sabre for TIS and Parts AS Promptly AS Possible or to turn
info to Next Supervisor For Prompt Return to Service in MEL clearance

SIGNATURE Chris UnderhillDATE 4-25-94

* ATTACH SEPARATE SHEET IF NECESSARY

ACTION TAKEN TO PREVENT RECURRENCE:

I believe Mr Underhill is aware of the importance of the
procedure we have discussed. I should prevent any recurrence
in the future

SIGNATURE [Signature]DATE 5/1/94

COPIES:

White - RETURNED ANSWERED
Yellow - STATION FILES

Pink - EMPLOYEE
Gold - ORIGINATOR'S FILE

REPLY REQUIRED WITHIN 10 DAYS

AMERICAN EAGLE AIRCRAFT MAINTENANCE LOG

167610712

ENGINE DATA		IAS	IOAT C		PRESS ALT				
ENG #	EGT	TQ	RPM		FUEL FLOW	OIL PRESS	OIL TEMP	ANTI ICF	BLEED AIR
1	818	61	43	1270	460	80	80	OFF	ON
2	844	61	93	1270	450	80	70	OFF	ON
FIRST FLIGHT OF DAY ITEMS CHECKED			OK		ENTER PIREP NBR IF NOT OK		A/C ACCEPTED BY:		
VOR CHECK							CAPT [Signature]		
BY T FLANNERY							CAPT [Signature]		
ID # 317364							CAPT [Signature]		

A/C # N 201 AE

DATE 2 1 91

TYPE A/C SA226 SA227

OTHER SAAS 340

ID #	STA	STA	OIL ADDED
134774	JAX		
134839	MIA		

MECHANICAL DISCREPANCIES

ACTION TAKEN

1 NO. 4 BY S. COLLINS ID # 134774 FLT # 1677 STA MIA

1 NO. 4 DATE 2-1-91 STA MIA ATA

BY [Signature]

ON DESCENT AT AROUND 17000 FEET THERE WAS A BURNING SMELL IN THE COCKPIT. ALSO THE FLIGHT ATTENDANT SMELLED THIS - THE WEC WHITE LIGHT CAME, RESET EL & LS - LIGHT WENT OUT

No further smell noted. Inspected systems - check good at this time. TAT - 914.1 CYC - 923

ID # 145069
P/N OFF
S/N OFF
P/N ON
S/N ON

2 NO. 5 BY S. COLLINS ID # 134774 FLT # 5640 STA MIA
UNABLE TO CONTROL CABIN TEMP USING BOTH MANUAL AND AUTO.

2 NO. 5 DATE 2-1-91 STA MIA ATA 21-50-1
Issued MEL 21-50-1 Auth # 24D Ambient Air intake secured open 95
Ref MEL 21-50-1
TAT - 914.1 CYC - 923

BY [Signature]
ID # 145069
P/N OFF
S/N OFF
P/N ON
S/N ON

3 NO. BY ID # FLT # STA

3 NO. DATE STA ATA

BY

4 NO. BY ID # FLT # STA

4 NO. DATE STA ATA

BY

ID #
P/N OFF
S/N OFF
P/N ON
S/N ON

AE-MTX-1804-01MAR91

QUALITY ASSURANCE

NOTIFICATION OF NON-COMPLIANCE



American eagle

TO: EDGAR CEREZOCOPY: JUAN CUADRAA/C 918 CARR. NVEA STATION MIAMI DATE 5/10/94MANUAL REF: GPM 17-02 pg 3 ITEM 7C FAR REF: 124.627**NON-COMPLIANCE**

ON MAY 5, MR CUADRA ISSUED AN MEL TO A/C 918 FOR APR. AS PER GPM & FARs LISTED ABOVE, THE REQUIREMENT FOR FOLLOW UP INFORMATION HAD NOT BEEN FULFILLED AS OF 5/6/94 @ 1300

SIGNATURE: [Signature] 178831EMPLOYEE NAME (PRINT) J CuadraEMPLOYEE NUMBER 12866

EMPLOYEE STATEMENT*

REQUIRED

NOT REQUIRED

I did put ^{revised} the information in the computer on the same date that I issued the mel.

SIGNATURE [Signature]DATE 5/20/94

* ATTACH SEPARATE SHEET IF NECESSARY

ACTION TAKEN TO PREVENT RECURRENCE:

Employee apparently entered info but failed to complete entry. to prevent recurrence employee will double check K# for ACZ

SIGNATURE [Signature]DATE 5/20/94

COPIES:

White - RETURNED ANSWERED

Yellow - STATION FILES

Pink - EMPLOYEE

Gold - ORIGINATOR'S FILE

REPLY REQUIRED WITHIN 10 DAYS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 96-1104-CIV-GOLD

Magistrate Judge Stephen T. Brown

DOBSON COLLINS,

Plaintiff,

-vs-

FLAGSHIP AIRLINES, INC.,
a Delaware corporation,

Defendant.

E+3

**DECLARATION OF NOEL FRANZ
PURSUANT TO 28 U.S.C. § 1746**

I, Noel Franz, a resident of Miami-Dade County, Florida, under penalty of perjury and from personal knowledge, make the following declaration in this matter:

1. I am a licensed airframe and power plant mechanic, and I was employed by Flagship Airlines at the Miami International Airport from September 1989 to February 1995 in the following positions:

September 1989 - February 1991	Mechanic.
February 1991 - September 1994	Supervisor.
September 1994 - February 1995	Acting Base Manager.

I am familiar with Dobson Collins, a mechanic who worked at Flagship from 1989 until 1994.

2. As either Supervisor or Acting Base Manager, I have had four interactions with Mr. Collins relating to his claims in this case.

CASE NO.: 96-1104-CIV-GOLD

Minimum Equipment List Assignment

3. Based on Federal Aviation Administration Regulations (FARs), each aircraft in Flagship's fleet has an approved Minimum Equipment List (MEL) that travels with the aircraft. It enables the operation of the aircraft even while certain non-critical instruments and equipment are in need of maintenance. Maintenance items are critical or non-critical depending on whether they affect the immediate airworthiness of the aircraft. Maintenance tracks the MEL of an aircraft and seeks to clear items from the MEL as promptly and efficiently as possible.

4. Maintenance on non-critical MEL items can be deferred if time pressures require doing so. A mechanic ^{REQUESTS} ~~enters~~ the "open MEL item" ^{BE ENTERED} into the computer. The open MEL item is then "cleared" at a later date when the repair is accomplished.

5. In order to "clear" MEL items, particularly when the work load is heavy, it is important for mechanics to have a list of every part number that might satisfy a particular open item and return the aircraft to service promptly. Having this list allows the stock room to order parts and enables the mechanics to work more efficiently.

6. In order to expedite clearance of open MEL items, we often offered overtime shifts to mechanics to have them research and identify part numbers that would satisfy all open MEL items, and we gave these overtime assignments to volunteers in order of their seniority with the company. This was particularly true during periods of MEL item backlogs. At times, we were ^{not} ~~directly~~ instructed by Flagship headquarters to offer overtime for this purpose. We assigned this project to overtime volunteers and among them to mechanics of every race or ethnic group.

CASE NO.: 96-1104-CIV-GOLD

7. Although it would be difficult to go back and determine how many other mechanics were assigned this project besides Mr. Collins, I have reviewed the file of white mechanic David Wagner, which contains a counseling record (CR-1), showing that I assigned him to such a project as long ago as in 1991. Attached as Exhibit 1 is a true copy of that CR-1 from his company personnel file. In addition, I recall assigning this project in the past to Craig Underhill and Juan Cuadra.

Notifications of Non-Compliance

8. As a method of quality assurance, we adopted a system of issuing "Notifications of Non-Compliance" to mechanics who failed in any way to perform maintenance operations as required by the FARs ^{CR-1} of company manuals. Quality assurance inspectors or supervisors would issue these notices to mechanics and ask them to acknowledge the proper procedure in a response on the form.

9. These Notifications of Non-Compliance were not treated as disciplinary issues, but were given in an effort to remind mechanics of good maintenance practices and to seek their compliance. All supervisors, including myself, issued them to any mechanic as the situation required, without regard to their race or ethnic origin.

10. Mr. Collins has complained that only he was given notifications of non-compliance for failures to follow up on MEL items on or about May 5 and 6 1994. However, ^{CR-1} because of his race or his having filed an EEOC charge, we issued notifications of non-compliance to Craig Underhill on April 20, 1994, and to Juan Cuadra on May 10, 1994, for similar failures to enter follow-up information on maintenance items they had performed. I have

CASE NO.: 96-1104-CIV-GOLD

attached these true copies of notifications from our files at Exhibit 2. These notices are examples of our practice of issuing notifications to every mechanic where a deficiency was found regardless of race or ethnicity.

Overtime Shifts

11. At Flagship, as I have described, we often made overtime shifts available to mechanics when MEL items backed up. As indicated above, this project involved inspecting the MEL list and researching for part numbers that would serve as effective replacements pursuant to the MEL. It would enable mechanics working on the aircraft to complete their projects more efficiently if they had the parts lists available while working on the aircraft.

12. These shifts were explicitly made available with a start time of 7:00 a.m., in order to coordinate the shifts with other work shifts in the department. We had explicitly advised the mechanics by a memorandum that is attached to this declaration as Exhibit 3.

13. A couple of mechanics had made a habit of punching in at 6:00 a.m. for this shift, before any work was available for them to perform. I specifically told Dobson Collins and Craig Underhill and others that the start time for this overtime shift was 7:00 am, and that they would not be paid if they punched in early.

14. Both Craig Underhill and Dobson Collins punched in early for overtime shifts during the pay period between April 29 and May 13, 1994. As a demonstration of the fact that the overtime shift's start time was applicable to all mechanics of every race, I attach to this declaration as Exhibit 4, true and correct copies of the time cards of Craig Underhill and Dobson Collins, both showing that I adjusted their start time to 7 a.m. as I had advised them I would.

CASE NO.: 96-1104-CIV-GOLD

15. The start time for that shift was generally applicable and had nothing to do with the race of any employee or whether they had filed any grievances or charges of discrimination against the company.

Discharge

16. On November 30, 1994, based on his earlier request, I provided Dobson Collins his personnel file for inspection in the conference room outside my office. I reminded him of the company's policy that prohibits taking or photocopying documents from the file without explicit permission.

17. I first sat with Collins as he inspected his personnel file. After it became apparent that he was going to take his time with a very thick file, I went into my office and kept an eye on his progress through the window between the office and the conference room.

18. At some point, I saw Collins replacing the metal fasteners to one of the folders in this file. It appeared that he was putting documents back into the file. I then observed Collins fold up a piece of paper and put it underneath the file. When I moved the file, I saw what appeared to be photocopier marks on the piece of paper.

19. Collins quickly picked up the piece of paper, said it was a blank sheet on which he was going to take notes, and put it into his pocket. I asked him if I could see it to insure that it was not a company document and that I only wished to identify it as company or personal.

20. I directed Collins to show me the paper. He removed it from his pocket and waived it briefly in front of me, then refolded it and put it back in his pocket. Although I

CASE NO.: 96-1104-CIV-GOLD

could not read any of the print, I recognized the piece of paper as a company pay authorization form. Once again, I ordered Collins to allow me a further look, but he refused and proceeded to leave the room down a stairway to the hangar.

21. I directed Collins to return to the conference room but he ignored me and proceeded down the stairs. Several seconds later, I followed him down the stairs. When I got to the top of the stairs, he was already down at the bottom in the hangar. I was neither in a position to nor did I ever push Collins as he alleges.

22. I saw mechanic Jesus Sanchez at the bottom of the stairs and asked him to come and act as a steward or witness for Collins and I again directed Collins to return upstairs so that I could identify the paper he had taken during his file inspection.

23. Instead, Collins punched his time card and told me that he did not have to talk to me since he was "off the clock." I went downstairs and advised Collins that if he left without following my order, I would treat it as grounds for dismissal based on insubordination. Collins then agreed to go back upstairs to the conference room.

24. Ultimately, with Sanchez present, Collins continued to refuse to show me the paper I had seen him take during his inspection. He showed me a 3"x6" form that he pulled from a different pocket, and I told him that it was obviously not what I was asking to see. Collins persisted in his refusal to let me inspect the paper I had seen him take during his inspection and left the premises despite my advising that to do so would result in his discharge for insubordination. I did not follow Collins after he left the conference room for the second time.

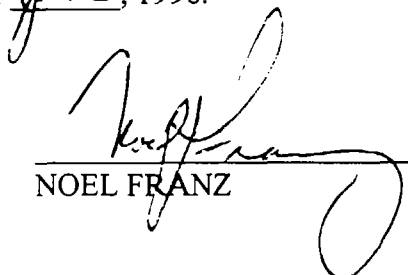
CASE NO.: 96-1104-CIV-GOLD

25. After investigation, and upon learning that he was already the subject of a last step career decision day, on December 9, 1994, I issued a final advisory terminating Collins' employment with Flagship.

26. I was unaware that he had filed an EEOC charge of discrimination against Flagship when I took any of the actions described in this declaration.

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

Executed on 1st day of June, 1998.



NOEL FRANZ

EXHIBIT 1

AA AMERICAN AIRLINES PERFORMANCE COUNSELING RECORD

EMPLOYEE NO	D.	WAGNER WAGNER	9962	8201		91	1
INITIAL		LAST NAME	ORG CODE	STA CODE	CO. SENIORITY DATE	YEAR	PAGE NBR
DATE OF INCIDENT OR ACTION	SUBJECT OR INCIDENT DISCUSSED	DETAILS/ACTION TAKEN/COMMENDATION/OTHER REMARKS BRIEFLY EXPLAIN WHAT WAS DISCUSSED/COMMITMENTS MADE INCLUDE ANY SIGNIFICANT DATE/TIME/PLACE. SUPERVISOR'S SIGNATURE/DATE FOLLOWING EACH ENTRY.					
8/12/91	Problems with fellow workers	Mr. Wagner came to me at approx 1200 / 12 th to discuss situation with working with other employees, especially those employees formerly of EAL that went on Strike April 19 March 1989. Mr. Wagner was concerned about suspicion that Ex EAL striking means were out to get him. He explained company position of monitoring situation & expressed in the company would take action necessary should management witness any employee harassment taking place. Also stated that company would issue a memo to all re reiterating rules & regs and repercussions of infractions. Present was Supervisor Ed Reyes. R. May 178918 8/12/91					
8/25/91	Work perform.	Talked with David Wagner about the amount of time he spent removing & replacing a Deco. boot for a prop blade. He stayed for OT (3 HRS) and spent a total of 4 hours on the job and 2nd & 3rd shift had to remove his work and reinstall it. We discussed the procedures he used since I handed him the job work personally. We discovered that he followed the steps incorrectly & one ^{STEP} deleted. Deco. boot was on 866 8/24/91 Today, we had a problem with various jobs assigned to him at the line. Miscommunication and limited time caused 2 delays, and other mechanics having to do the work (NOT NAV LIGHT). Considering trying to get him to bid 3 rd shift when there is less stress.					
8/25/91	work assignment.	Gave Mr. Wagner a single assignment of a list of melo in ATR codes that existed on our A/C to work with or note if any had him (masters applied). I told him he was to look up the parts necessary to fix these MEL's (STRONG LIGHTS LOGO LIGHTS, TEAP IND. ETC). One hour later the Tech Eric Reyes phoned me the day I gave Wagner a list and what was He was suppose to do with it, I told him I gave it to Wagner to look up the PN's, get the parts for					

A

AMERICAN AIRLINES PER. ORMANANCE COUNSELING RECORD

YEAR	PAGE NBR.

DATE OF INCIDENT OR ACTION	SUBJECT OR INCIDENT DISCUSSED	DETAILS/ACTION TAKEN/COMMENDATION/OTHER REMARKS BRIEFLY EXPLAIN WHAT WAS DISCUSSED/COMMITMENTS MADE INCLUDE ANY SIGNIFICANT DATE/TIME/PLACE. SUPERVISOR'S SIGNATURE/DATE FOLLOWING EACH ENTRY.
	car 4	stock and have the parts sent to the line. (Wagner said he found Wagner sitting in the middle of the hangar (empty) on his tool box. I called Wagner back to my office and reexplained my instructions as best I understood them and had him repeat those instructions. He repeated them and still insisted he understood all along, but yet he still gave them to the list of incomplete items to him for which he was to be by. I reexplained again and asked him to get me if he had any problems. Approximately 1 1/2 hours later I checked on his progress and so far he found 2 PK but unfortunately it was not the part I asked for (Strike Sign) (Wagner) I told Wagner I would finish the list and give him another task of labeling "waste" barrels with their contents and to put my bucket of used fluids in those appropriately labeled barrels. (He was assigned a person (cleaner to help him)) A couple of hours later (approximately 3) he returned to me saying he was finished. I returned to the area with him and found a number of things requiring additional work and correction such as he labeling the barrels from "miscellaneous fluid" to the one individual contents each. 75 minutes before his scheduled end of shift he was discovered in the break room. I gave him the benefit of the doubt and waited for him to come to me for another assignment or to his lead (I must mention that his lead sent him to me in the morning because I had some items to be worked.) Wagner was never seen from again that week. 8/25/91 Tools Log On 8/25/91 LEADMAN UNDERHILL ASSIGNED WAGNER A JOB IN WHICH HE NEEDED A FLARELIGHT. HE TOLD CRAIG HE DID NOT HAVE ONE & CRAIG SUGGESTED HE GET ONE. MR. WAGNER REPLIED HE WAS NOT GOING TO BUY ANYTHING UNTILL THE COMPANY PAID HIM FOR DAMAGES TO HIS TOOL BOX. I CALLED COUNSELOR MR. WAGNER AND MADE HIM AWARE THAT HE WAS REQUIRED TO HAVE 8/25/91 WAGNER AND MADE HIM AWARE THAT HE WAS REQUIRED TO HAVE

EXHIBIT 2

TULE FORM 8025

QUALITY ASSURANCE
NOTIFICATION OF NON-COMPLIANCE

TO: CRAIG UNDERHILL #145069
COPY: BASE MGR

N 947AC STATION MIA DATE 2/15/91
MANUAL REF: GPM 5-01 FAR REF: _____
NON-COMPLIANCE

① ITEM 25 LOG PAGE 20969 MAINTENANCE
MANUAL REFERENCE NOT DOCUMENTED

129871
SIGNATURE R. [Signature]

EMPLOYEE NAME (PRINT) Craig A Underhill EMPLOYEE NUMBER 145069
EMPLOYEE STATEMENT REQUIRED ☒ NOT REQUIRED

In the rush of the books I did not include the
required MM reference.

SIGNATURE Craig A Underhill DATE 2-15-91
145069

*ATTACH SEPARATE SHEET IF NECESSARY

ACTION TAKEN TO PREVENT REURRENCE

Will include MM for corrective actions.

SIGNATURE Craig A Underhill DATE 2-15-91
145069

COPIES:

Respond to applicable manager within 72 hours.

DEFENDANT'S
EXHIBIT

DC-72

ALL-STATE® INTERNATIONAL

TULE FORM 8025

QUALITY ASSURANCE
NOTIFICATION OF NON-COMPLIANCE

TO: CRAIG UNDERHILL #145069
COPY: BASE MGR

N 210 STATION MIAMI DATE 2/15/91
MANUAL REF: GPM 5-01 FAR REF: _____
NON-COMPLIANCE

① ZTEM 61 LOGPAGE 02707 ^{THE} BY
BLOCK IN MECHANICAL DISCREPANCIES
BLOCK NOT A PAYROLL SIGNATURE

128871
SIGNATURE R. [Signature]

EMPLOYEE NAME (PRINT) Craig A. Underhill EMPLOYEE NUMBER 145069
EMPLOYEE STATEMENT REQUIRED ☒ NOT REQUIRED ☐

I thought information in this section was only for informational purposes, after reading GPM 5-01 (B) f. I found I have to use full name ~~whether its printed and signed~~

SIGNATURE Craig A. Underhill 145069 DATE 2-15-91

***ATTACH SEPARATE SHEET IF NECESSARY**

ACTION TAKEN TO PREVENT RECURRENCE

Will USE Full Name AS instructed by
GPM 5-01 Pg. 2 item B. Paragraph F.
Will NOT use initials
any more.

SIGNATURE Craig A. Underhill 145069 DATE 2-15-91

COPIES:

Respond to applicable manager within 72 hours.

SECTION F Item #19 States: PRINT Lastname

AE-MTX-1804-01MAR91

QUALITY ASSURANCE

NOTIFICATION OF NON-COMPLIANCE



American Eagle

TO: MAINTENANCE

COPY: C. UNDERHILL # 145069

A/C 912 CARR. NVEA STATION MDAWE DATE 11/5/91

MANUAL REF: _____ FAR REF: _____

NON-COMPLIANCE

① Item 1 fogpage 012443 PZTCEP IS NOTE
to maintenance stating that the aircraft was
not sumped at the outstation. Upon return
to the hub the aircraft should have been
sumped, and signed off in action taken
column as being sumped.

SIGNATURE: P. C. C. 129871

EMPLOYEE NAME (PRINT) C. UNDERHILL EMPLOYEE NUMBER 145069
EMPLOYEE STATEMENT* REQUIRED ☒ NOT REQUIRED ☐

Corrective Action Should have included
"Mx Noted - Fuel tanks Sumped" Next time
I'll be more specific As the fuel tanks
were Sumped.

SIGNATURE Cray Underhill DATE 11-9-91

* ATTACH SEPARATE SHEET IF NECESSARY

ACTION TAKEN TO PREVENT RECURRENCE:

SIGNATURE _____

COPIES: White - RETURNED ANSWERED
Yellow - STATION FILES

REPLY REQUIRED WITHIN 10 DAYS

136

AE-MTX-1804-01MAR91

QUALITY ASSURANCE

NOTIFICATION OF NON-COMPLIANCE

TO: E. J. A. C. 2000COPY: E. J. A. C. 2000A/C 284 GARR. WHEA STATION M. 9M1 DATE 4/20/94MANUAL REF: GPM 17-02 PG 3 ITEM 7C PAR REF: 121 007**NON-COMPLIANCE**

ON 4/20/94 You issued 2 MEL'S ON A/C 284 FOR
A 1st MEL ON ICE & W/S HEAT. AS PER GPM & FSR'S
LISTED ABOVE YOU ARE REQUIRED TO GIVE FOLLOW INFO
AS OF 4/21/94 0600 THERE WAS NO INFORMATION
AVAILABLE

SIGNATURE: [Signature]
17471EMPLOYEE NAME (PRINT) LEON A. UNDERHILL EMPLOYEE NUMBER 145069

EMPLOYEE STATEMENT

REQUIRED ☒

NOT REQUIRED

To No Excuse of my own I was doing a PS-1, fuel leak and
2 mel's in the rain while setting covered with fuel.
I understand it is my Responsibility to enter MEL info
into Sabre for TIS and Parts AS Promptly AS Possible or to turn
info to Next Supervisor For Prompt Return to service in MEL clearance

SIGNATURE [Signature]DATE 4-25-94*** ATTACH SEPARATE SHEET IF NECESSARY****ACTION TAKEN TO PREVENT RECURRENCE:**

I believe Mr Underhill is aware of the importance and the
procedures we have discussed to prevent any recurrence
in the future

SIGNATURE [Signature]DATE 5/1/94

COPIES:

White - RETURNED ANSWERED
Yellow - STATION FILES

Pink - EMPLOYEE
Gold - ORIGINATOR'S FILE

REPLY REQUIRED WITHIN 10 DAYS

AMERICAN EAGLE AIRCRAFT MAINTENANCE LOG

06761072

A/C # N 201 AE

DATE 2 1 1 91

TYPE OTHER A/C SA226 SA227

ENGINE DATA		IAS	IOAT C		PRESS ALT					
ENG #	EGT	TQ	RPM		FUEL FLOW	OIL PRESS	OIL TEMP	ANTI ICF	BLEED AIR	
1	818	61	43	1270	460	80	80	OFF	ON	
2	844	61	93	1270	490	80	70	OFF	ON	
FIRST FLIGHT OF DAY ITEMS CHECKED			OK		ENTER PIREP NBR IF NOT OK		A/C ACCEPTED BY:			
VOR CHECK			STA TO		FREQ FROM		CAPT			
BY T FLANAMU			#1 101 1354		0"		CAPT			
ID # 317364			#2 102 1354		0"		CAPT			
			#3 103 1354		0"		CAPT			

ID #	STA	STA	OIL ADDED	1	2
134774	JAX				
134839	MIA				

MECHANICAL DISCREPANCIES

ACTION TAKEN

1 NO. 4	BY S. COLLINS	ID # 134774	FLT # 4677	STA MIA	1 NO. 4	DATE 2-1-91	STA MIA	ATA	BY Capt A. [Signature]	
ON DESCENT AT AROUND 17000 FEET THERE WAS A BURNING SMELL IN THE COCKPIT. ALSO THE FLIGHT ATTENDANT SMELLED THIS - THE WEC WHOLE UNIT CAME, RESET EL & LS - LIGHT WENT OUT					No further smell noted. Inspected systems - everything good at this time. TAT-914.1 CXC-923					P/N OFF S/N OFF P/N ON S/N ON
2 NO. 5	BY S. COLLINS	ID # 134774	FLT # 5640	STA MIA	2 NO. 5	DATE 2-1-91	STA MIA	ATA 21-50-1	BY Capt A. [Signature]	
UNABLE TO CONTROL CABIN TEMP USING BOTH MANUAL AND AUTO.					Issued MEL 21-50-1 Auth # 24D. Ambient Air intake secured open 95. Per MEL 21-50-1. TAT-914.1 CXC-923					P/N OFF S/N OFF P/N ON S/N ON
3 NO.	BY	ID #	FLT #	STA	3 NO.	DATE	STA	ATA	BY	
										P/N OFF S/N OFF P/N ON S/N ON
4 NO.	BY	ID #	FLT #	STA	4 NO.	DATE	STA	ATA	BY	
										P/N OFF S/N OFF P/N ON S/N ON

AE-MTX-1804-01MAR91

QUALITY ASSURANCE

NOTIFICATION OF NON-COMPLIANCE



American eagle

TO: EDGAR CEREZO

COPY: JUAN CUADRA

A/C 918 CARR. NVEA STATION MIAMI DATE 5/10/94

MANUAL REF: GPM 17-02 ps 3 ITEM 7C FAR REF: 121.627

NON-COMPLIANCE

ON MAY 5, MR CUADRA ISSUED AN MEL TO A/C 918 FOR APR. AS PER GPM & FARs LISTED ABOVE, THE REQUIREMENT FOR FOLLOW UP INFORMATION HAD NOT BEEN FULFILLED AS OF 5/6/94 @ 1300

SIGNATURE: [Signature] 178831

EMPLOYEE NAME (PRINT) J Cuadra

EMPLOYEE NUMBER 12906

EMPLOYEE STATEMENT*

REQUIRED

NOT REQUIRED

I did put the information in the computer on the same date that I issued the mel.

SIGNATURE [Signature]

DATE 5/20/94

* ATTACH SEPARATE SHEET IF NECESSARY

ACTION TAKEN TO PREVENT RECURRENCE:

Employee apparently entered info but failed to complete entry. to prevent recurrence employee will double check K# for MCR

SIGNATURE [Signature]

DATE 5/20/94

COPIES:

White - RETURNED ANSWERED

Yellow - STATION FILES

Pink - EMPLOYEE

Gold - ORIGINATOR'S FILE

REPLY REQUIRED WITHIN 10 DAYS

EXHIBIT 3

FIRST SHIFT MECHANICAL OVERTIME

Overtime will start at 0700 unless otherwise noted.

Overtime will be approved according to the senior person not on double time.

If the workload demands, double time will be approved in order of seniority.

Overtime will be issued to first shift employees first, first mechanics then inspectors.

If the workload demands mechanics from other shifts, they will be considered only if overtime slots on their respective shifts are full.

Overtime personnel are to report to supervisor for assignment to line or hangar at the start of the shift..

Overtime will be approved seven days in advance.



EXHIBIT 4

☐ PART-TIME ☐ FULL-TIME		DAYS OFF SCHEDULED HRS	SUPV. CODE INT.	
SA				
SU				
M				
T				
W				
T				
F				
SA				
SU				
MON				
T				
W				
T				
F	<i>no meal -</i> <i>At 27/219/184 at 9.5</i>			

EMPLOYEE NUMBER 143039		EMPLOYEE NAME C A JENNILL	
STATION CODE NUMBER 3201		ORG CODE NUMBER 9902	WORK PERIOD ENDING 03/13/94
APP # OF CODE OCCUR HOURS	MAY # OF CODE OCCUR HOURS	OVERTIME MEAL ALLOWANCE	SUPERVISORY APPROVAL
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AMERICAN AIRLINES 2-RETAIN BY SUPERVISOR

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: 97-0722-CIV-GRAHAM

ANTHONY LEE, an individual

Plaintiff,

VS.

EXECUTIVE AIRLINES, INC., a
Delaware Corporation d/b/a
AMERICAN AIRLINES INC., a Delaware
Corporation, and FLAGSHIP AIRLINES, INC.,
a Delaware Corporation

Defendants.

2650 S.W. 27th Avenue
Miami, Florida
January 27, 1998
9:45 a.m.

Deposition of RAPHAEL PEREZ

Taken before Elaine Somma, Certified
Shorthand Reporter and Notary Public in and for the
State of Florida at Large, pursuant to Notice of
Taking Deposition filed in the above cause.

- - - - -

E+4

1 in January of 1992?

2 A. There was an incident that I had with
3 Dobson Collins, but I don't remember the exact
4 details.

5 Q. But he did accuse you of calling him a
6 nigger during work time on the shop floor, didn't he?

7 A. I think he did.

8 Q. And you denied it?

9 A. Right, true, exactly, I didn't call him.

10 Q. And you indeed were called in to talk to
11 Al Alvarez, who was a supervisor at the time, because
12 of that allegation by Mr. Collins, right?

13 A. I remember I was called in.

14 Q. For that?

15 A. I think so.

16 Q. And Mr. Collins stuck to his story that
17 you did it and you stuck to your story that you did
18 not, correct?

19 A. Right.

20 Q. And both of you were counseled to go and
21 work together and you were told if you did call him a
22 nigger, that that would violate company policy,
23 right?

24 A. I don't remember.

25 Q. This man sitting to my left told you

1 that?

2 A. I don't remember.

3 Q. You don't remember?

4 A. I don't remember offhand.

5 Q. How do you remember that meeting with Mr.
6 Alvarez ending?

7 A. Excuse me?

8 Q. How do you remember the end of the
9 meeting with Mr. Alvarez over this issue?

10 A. How do I remember?

11 Q. What happened to close this issue?

12 A. You got to rephrase the question. I
13 don't understand.

14 Q. I will use the last names. Collins goes
15 to Alvarez and complains that Perez called him a
16 nigger while he was working on the flight line or
17 hangar or somewhere.

18 A. Hangar, right.

19 Q. Alvarez calls both Perez and Collins in
20 to see him?

21 A. Right.

22 Q. Together?

23 A. I don't remember.

24 Q. But you know--

25 A. We had a meeting.

1 Q. You three?

2 A. I think it was us three, but I am not
3 sure.

4 Q. And at the meeting, one guy said Collins
5 said Perez called me a nigger and it is outrageous,
6 right, in substance, not those words?

7 A. Yeah.

8 Q. And Perez says "I did not and by the way
9 you are not a very good mechanic", in substance?

10 A. Right.

11 Q. Because you were complaining about his
12 work?

13 A. Exactly.

14 Q. You didn't think he was any good as a
15 mechanic?

16 A. No.

17 Q. It wasn't because he was black, was it?

18 A. No.

19 Q. Now this meeting in which you were all
20 three in the room over this nigger calling
21 allegations ended at some point, right?

22 A. You are talking about the meeting with
23 Alvarez?

24 Q. Yes.

25 A. Yes, sir, right.

1 Q. And you all left the room?

2 A. Right.

3 Q. You walked out of that room?

4 A. Right.

5 Q. When you walked out of that room, did you
6 have a belief that Mr. Alvarez would approve of your
7 calling Mr. Collins a nigger?

8 A. No.

9 Q. Why not?

10 A. Because it is against company policy.

11 Q. And he told you that in no uncertain
12 terms?

13 A. He probably did, but I couldn't tell you
14 definitely.

15 Q. Did you ever do it again?

16 A. No.

17 Q. And you never did it the first time?

18 A. No, I never did it.

19 Q. Do you know of anyone else who has been
20 counseled or called in for using racial terms with
21 another employee?

22 A. No, not offhand.

23 Q. Do you know why Mr. Collins was
24 discharged?

25 MR. KURZBAN: Objection as to relevancy

DISMISSAL AND NOTICE OF RIGHTS

To: Oswald Russell
4792 N.W. 195th Terrace
Carol City, FL 33055

From: Miami District Office
Equal Employment Opportunity Commission
One Biscayne Tower, Suite 2700
2 South Biscayne Boulevard
Miami, Florida 33131-1805



On behalf of a person aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge Number
150-94-1497

EEOC Representative
Jacqueline Martelly, Investigator

Telephone No.
305-530-6015 or 530-6023

YOUR CHARGE IS DISMISSED FOR THE FOLLOWING REASON:

(See the additional information attached to this form.)



The facts you allege fail to state a claim under any of the statutes enforced by the Commission.



Respondent employs less than the required number of employees.



Your charge was not timely filed with the Commission, i.e., you waited too long after the date(s) of the discrimination you alleged to file your charge. Because it was filed outside the time limit prescribed by law, the Commission cannot investigate your allegations.



You failed to provide requested information, failed or refused to appear or to be available for necessary interviews/conferences, or otherwise refused to cooperate to the extent that the Commission has been unable to resolve your charge. You have had more than 30 days in which to respond to our final written request.



The Commission has made reasonable efforts to locate you and has been unable to do so. You have had at least 30 days in which to respond to a notice sent to your last known address.



The respondent has made a reasonable settlement offer which affords full relief for the harm you alleged. At least 30 days have expired since you received actual notice of this settlement offer.



The Commission issues the following determination: Based upon the Commission's investigation, the Commission is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



Other (briefly state) _____

-- NOTICE OF SUIT RIGHTS --



Title VII and/or the Americans with Disabilities Act: This is your NOTICE OF RIGHT TO SUE, which terminates the Commission's processing of your charge. If you want to pursue your charge further, you have the right to sue the respondent(s) named in your charge in U.S. District Court. If you decide to sue, you must sue WITHIN 90 DAYS from your receipt of this Notice; otherwise your right to sue is lost.



Age Discrimination in Employment Act: This is your NOTICE OF DISMISSAL OR TERMINATION, which terminates processing of your charge. If you want to pursue your charge further, you have the right to sue the respondent(s) named in your charge in U.S. District Court. If you decide to sue, you must sue WITHIN 90 DAYS from your receipt of this Notice; otherwise, your right to sue is lost.



Equal Pay Act (EPA): EPA suits must be brought within 2 years (3 years for willful violations) of the alleged EPA underpayment.

I certify that this notice was mailed on the date set out below.

JUN 27 1996

(Date)

On behalf of the Commission

Federico Costales
Federico Costales, District Director

cc:

Terence G. Connor, Esq.
MORGAN, LEWIS & BOCKIUS
5300 First Union Financial Center
200 South Biscayne Blvd.
Miami, FL 33131-2339

Ira J. Kurzban, Esq.
KURZBAN KURZBAN & WEINGER P.A.
Plaza 2650 - Second Floor
2650 S.W. 27th Avenue
Miami, FL 33133

This form is affected by the Privacy Act of 1974; See Privacy Act statement before completing this form.

AGENCY ☐ FSPA ☒ EEOC
PAGE NUMBER
150941497

Metro Dade Equal Opportunity Board
State or local Agency, if any

and EEOC

NAME (Indicate Mr., Ms., Mrs.)

Mr. Oswald S. Russell

HOME TELEPHONE (Include Area Code)

(305) 621-6502

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

4792 N.W. 195TH TERRACE, CAROL CITY, FL 33055

08/01/47

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

AMERICAN EAGLE - AMERICAN AIRLINES

Cat D (501 +)

(305) 526-1975

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

5700 N.W. 36TH STREET, P.O. BOX 592237, MIAMI SPRINGS, FL 33122

025

NAME

TELEPHONE NUMBER (Include Area Code)

EDGAR CEREZO - AMERICAN EAGLE

(305) 526-1975

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

5700 N.W. 36TH ST. - BOX 592237 - MIAMI, FL 33122

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☒ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE
EARLIEST LATEST

12/06/93

12/06/93

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s))

1.+On December 6, 1993, I was demoted from my position of Crew Chief and was replaced by a Puerto Rican who is less qualified than me.

2.+The manager told me I was demoted because I was not qualified for the position.

3. I believe that I was discriminated against because of my race, Black, and national origin, Jamaican, in violation of Title VII of the Civil Rights Act of 1964, as amended.

DATE RECD LEGAL DEPT. 3/9/94
RECORDED 3/11/94
ATTY ASSIGNED TFS E03435
DATE ASSIGNED 3/11/94

☐ 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 telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

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

Oswald Russell 2-23-94

Date

Charging Party (Signature)

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above 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 DATE
(Day, month, and year)

Equal Employment Opportunity Commission

DISMISSAL AND NOTICE OF RIGHTS

To: Oswald S. Russell
4792 N.W. 195th Terrace
Carol City, Florida 33055

From: Miami District Office
Equal Employment Opportunity Commission
One Biscayne Tower, Suite 2700
2 South Biscayne Boulevard
Miami, Florida 33131-1805

☐ On behalf of a person aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge Number
150-97-0813

EEOC Representative
Lisbeth Bailey, Investigator

Telephone No.
(305) 536-5088 530-6036

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ We cannot investigate your charge because it was not filed within the time limit required by law.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You had 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state) _____

-- NOTICE OF SUIT RIGHTS --

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may pursue this matter further by bringing suit in federal or state court against the respondent(s) named in the charge. If you decide to sue, you must sue WITHIN 90 DAYS from your receipt of this Notice. Otherwise your right to sue based on the above-numbered charge will be lost.

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible. (If you file suit, please send a copy of your court complaint to this office.)

On behalf of the Commission

William Salyer
Federico Costales, District Director

NOV 26 1997
NOV 2 1997

(Date Mailed)

Michele Valdez, Senior Attorney

AMR Eagle, Inc. d/b/a Flagship Airlines, Inc.

P.O. Box 619616, MD5675

Dallas/Fort Worth, Texas 75261-9616

CHARGE OF DISCRIMINATION

AGENCY CHARGE NUMBER

☐ FEPA
☒ EEOC

150970813

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

State or local Agency, if any and EEOC

NAME (Indicate Mr., Ms., Mrs.)

Mr. Oswald S. Russell

HOME TELEPHONE (Include Area Code)

(305) 621-6502

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

4792 N.W. 195th Terrace, Carol City, FL 33055

08/01/47

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

American Eagle Airlines

Cat D (501 +)

(305) 526-1975

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

5700 N.W. 36th Street, Miami Springs, FL

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify)DATE DISCRIMINATION TOOK PLACE
EARLIEST LATEST

12/05/96 12/05/96

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

I am Black. I previously filed a charge with the Commission, Charge No. 150 94 1497. Since the filing of my charge, I have been retaliated against in the form of verbal counsellings, written warnings, and, most recently, suspension. Similarly situated non-Blacks and others who have not filed charges with the Commission have been treated more leniently under the same or similar circumstances.

Respondent has given me no reason for its actions.

I believe I have been discriminated against because of my race, in violation of Title VII of the Civil Rights Act of 1964, as amended, (Title VII); and retaliated against for having participated in a protected activity, in violation of Section 704(a) of Title VII.

☐ 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 telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

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

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above 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 DATE
(Day, month, and year)

DISMISSAL AND NOTICE OF RIGHT TO SUE

To: Oren P. Camejo
14650 Bull Run Road
Apt. #130
Miami Lakes, FL 33014

From: Miami District Office
Equal Employment Opportunity Commission
One Biscayne Tower, Suite 2700
2 South Biscayne Boulevard
Miami, Florida 33131-1805



On behalf of a person aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge Number
150-94-3801

EEOC Representative
Jacqueline Martelly, Investigator

Telephone No.
305-530-6015 or 530-6023

YOUR CHARGE IS DISMISSED FOR THE FOLLOWING REASON:

(See the additional information attached to this form.)



The facts you allege fail to state a claim under any of the statutes enforced by the Commission.



Respondent employs less than the required number of employees.



Your charge was not timely filed with the Commission, i.e., you waited too long after the date(s) of the discrimination you alleged to file your charge. Because it was filed outside the time limit prescribed by law, the Commission cannot investigate your allegations.



You failed to provide requested information, failed or refused to appear or to be available for necessary interviews/conferences, or otherwise refused to cooperate to the extent that the Commission has been unable to resolve your charge. You have had more than 30 days in which to respond to our final written request.



The Commission has made reasonable efforts to locate you and has been unable to do so. You have had at least 30 days in which to respond to a notice sent to your last known address.



The respondent has made a reasonable settlement offer which affords full relief for the harm you alleged. At least 30 days have expired since you received actual notice of this settlement offer.



The Commission issues the following determination: Based upon the Commission's investigation, the Commission is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



Other (briefly state)

-- NOTICE OF SUIT RIGHTS --



Title VII and/or the Americans with Disabilities Act: This is your NOTICE OF RIGHT TO SUE, which terminates the Commission's processing of your charge. If you want to pursue your charge further, you have the right to sue the respondent(s) named in your charge in U.S. District Court. If you decide to sue, you must sue WITHIN 90 DAYS from your receipt of this Notice; otherwise your right to sue is lost.



Age Discrimination in Employment Act: This is your NOTICE OF DISMISSAL OR TERMINATION, which terminates processing of your charge. If you want to pursue your charge further, you have the right to sue the respondent(s) named in your charge in U.S. District Court. If you decide to sue, you must sue WITHIN 90 DAYS from your receipt of this Notice; otherwise, your right to sue is lost.



Equal Pay Act (EPA): EPA suits must be brought within 2 years (3 years for willful violations) of the alleged EPA underpayment.

I certify that this notice was mailed on the date set out below.

MAR 22 1996

(Date)

On behalf of the Commission

Federico Costales
Federico Costales, District Director

cc:

Terence Connor

MORGAN LEWIS BOCKIUS

5300 First Union Financial Center

200 South Biscayne Blvd.

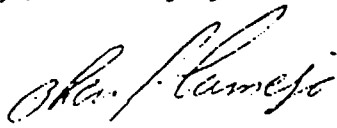
Miami, FL 33131-2339

Metro Dade Equal Opportunity Board and EEOC
 State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.) Mr. Oren P. Camejo		HOME TELEPHONE (Include Area Code) (305) 825-3346	
STREET ADDRESS 14650 BULL RUN ROAD, APT. #130, MIAMI LAKES, FL 33014		CITY, STATE AND ZIP CODE MIAMI LAKES, FL 33014	
DATE OF BIRTH 06/29/60		NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)	
NAME AMERICAN EAGLE, A.M.R	NUMBER OF EMPLOYEES, MEMBERS Cat A (15-100)	TELEPHONE (Include Area Code) (305) 526-1975	
STREET ADDRESS 5700 N.W. 36TH STREET, MIAMI, FL 33166		CITY, STATE AND ZIP CODE MIAMI, FL 33166	
COUNTY 025		TELEPHONE NUMBER (Include Area Code) (305) 526-1975	
NAME NOEL FRANZ - AMERICAN EAGLE		STREET ADDRESS 5700 N.W. 36TH STREET - MIAMI, FL 33166	
CITY, STATE AND ZIP CODE MIAMI, FL 33166		COUNTY 025	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) ☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify)		DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST 06/24/94 06/24/94 ☐ CONTINUING ACTION	

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

1. On June 24, 1994, I was demoted from my position of Lead Mechanic.
2. My supervisor, Noel Franz, told me that I was being demoted because my attendance was not up to speed and that was affecting my performance.
3. I believe that Respondent discriminated against me because of my race, Black, in violation of Title VII of the 1954 Civil Rights Act.

☐ 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 telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the foregoing is true and correct. Date 8/17/94 Charging Party (Signature) 	NOTARY - (When necessary for State and Local Requirements) I swear or affirm that I have read the above 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 DATE (Day, month, and year)

Equal Employment Opportunity Commission
DISMISSAL AND NOTICE OF RIGHTS

To:

Charles McLean
14801 S.W. 156th Avenue
Miami, FL 33196

From: Miami District Office

Equal Employment Opportunity Commission
One Biscayne Tower, Suite 2700
2 South Biscayne Boulevard
Miami, Florida 33131-1805

COPY

*On behalf of a person aggrieved whose identity is
 CONFIDENTIAL (29 CFR § 1601.7(a))*

Charge Number**150-94-3930****EEOC Representative****Jacqueline Martelly, Investigator****Telephone No.****305-530-6015 or 530-6023****YOUR CHARGE IS DISMISSED FOR THE FOLLOWING REASON:**

(See the additional information attached to this form.)



The facts you allege fail to state a claim under any of the statutes enforced by the Commission.



Respondent employs less than the required number of employees.

Your charge was not timely filed with the Commission, *i.e.*, you waited too long after the date(s) of the discrimination you alleged to file your charge. Because it was filed outside the time limit prescribed by law, the Commission cannot investigate your allegations.

You failed to provide requested information, failed or refused to appear or to be available for necessary interviews/conferences, or otherwise refused to cooperate to the extent that the Commission has been unable to resolve your charge. You have had more than 30 days in which to respond to our final written request.



The Commission has made reasonable efforts to locate you and has been unable to do so. You have had at least 30 days in which to respond to a notice sent to your last known address.



The respondent has made a reasonable settlement offer which affords full relief for the harm you alleged. At least 30 days have expired since you received actual notice of this settlement offer.



The Commission issues the following determination: Based upon the Commission's investigation, the Commission is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



Other (briefly state) _____

-- NOTICE OF SUIT RIGHTS --

Title VII and/or the Americans with Disabilities Act: This is your NOTICE OF RIGHT TO SUE, which terminates the Commission's processing of your charge. If you want to pursue your charge further, you have the right to sue the respondent(s) named in your charge in U.S. District Court. If you decide to sue, you must sue WITHIN 90 DAYS from your receipt of this Notice; otherwise your right to sue is lost.



Age Discrimination in Employment Act: This is your NOTICE OF DISMISSAL OR TERMINATION, which terminates processing of your charge. If you want to pursue your charge further, you have the right to sue the respondent(s) named in your charge in U.S. District Court. If you decide to sue, you must sue WITHIN 90 DAYS from your receipt of this Notice; otherwise, your right to sue is lost.



Equal Pay Act (EPA): EPA suits must be brought within 2 years (3 years for willful violations) of the alleged EPA underpayment.

I certify that this notice was mailed on the date set out below.

JAN 26 1996

(Date)

On behalf of the Commission

William J. J. for
 Federico Costales, District Director

cc:

Terence G. Connor

MORGAN, LEWIS & BOCKIUS

5300 First Union Financial Center

200 South Biscayne Blvd.

Miami, FL 33131-2339

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act, 1974; See Privacy Act Statement before completing this form.

AGENCY FEP/ EEOC
CHARGE NUMBER
150943930

Metro Dade Equal Opportunity Board

and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

Mr. Charles McLean

HOME TELEPHONE (Include Area Code)

(305) 378-8639

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

14801 S.W. 156TH AVE., MIAMI, FL 33196

06/04/60

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

AMERICAN EAGLE - AMERICAN AIRLINES

Cat D (501 +)

(305) 526-1975

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

5700 N.W. 36TH STREET, P.O. BOX 592237, MIAMI SPRINGS, FL 33122

025

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☒ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (specify)

DATE DISCRIMINATION TOOK PLACE
EARLIEST LATEST

08/06/94 08/06/94

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s))

1. On August 6, 1994, I was demoted from my position as Avionics Technician to Aircraft Mechanic and took a cut in salary. Since that time I have been subjected to harassment by the above named employer.

2. I was told that the reason for my demotion was that my position had been eliminated.

3. I believe that I was discriminated against in violation of Title VII of the Civil Rights Act of 1964, as amended, when I was demoted and subjected to harassment because of my race, Black, and my national origin, Jamaican.

☐ 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 telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

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

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above 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 DATE
(Day, month, and year)