

One Year After Smith Patten Files Race Discrimination Complaint on Behalf of African-American Employees, United Airlines Initiates Senior-Level Management Changes
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SAN FRANCISCO, CA--(Marketwired - Apr 10, 2013) - Nearly one year after employees of United Continental Holdings, Inc. (NYSE: UAL) filed a lawsuit alleging race discrimination, retaliation, and harassment, the company has announced that Senior Vice President of Flight Operations Fred Abbott, who is responsible for developing and implementing pilot contracts, policies, and procedures, will step down. Mr. Abbott set forth a clear statement of retaliatory animus when, according to *Johnson v. United Continental* filings, he said that none of the group of UAL Captains and Operations Supervisors who filed complaints with the Equal Employment Opportunity Commission (EEOC) in 2010 would ever get promoted because they had decided to go the litigation route.

Despite changes made to UAL's senior-level management structure in the wake of the 2010 EEOC complaints -- namely the company's hiring of African-American General Counsel Brett Hart and promotion of African-American James Simons to Chief Pilot of the Northeast Region -- widespread race discrimination persists at the world's largest airline and well qualified African-Americans are still being systematically shut out of management, according to the Plaintiffs. Furthermore, since filing *Johnson v. United Continental* in May 2012, Plaintiffs have become victims of illegal retaliation and endured harassment for speaking out against UAL's long history of unlawful discriminatory behavior.

Filed in the U.S. District Court for the Northern District of California, the *Johnson v. United Continental* complaint claims that UAL violated federal and state laws by maintaining policies that have a disparate impact on African-Americans' opportunities for promotions. Plaintiffs also allege that the company systematically engages in an ongoing practice of intentional discrimination in assignments and promotions against its African-American Captains and Operation Supervisors.

"We have historically not been provided the same opportunities to advance into management as Caucasian employees, and we simply want a level playing field," said Los Angeles-based Captain Mario Ecung. "There needs to be a thoroughly transparent, fair, and competitive process in place so that qualified employees can apply, and will be considered, for management positions."

Despite their nearly 600 years of combined experience with UAL, not one of the 23 Plaintiffs has ever held a permanent mid- or senior-level management position at the company. While non-minorities are being groomed for management through temporary Special Assignment positions -- which are more lucrative and provide employees with more opportunities for advancement and greater job security -- African-Americans are excluded.

Plaintiffs brought this case in Northern California due to the large number of Special Assignments -- and consequent promotions -- at UAL's largest maintenance facility and Asian hubs on the West Coast. Furthermore, the online job posting and application web service [Taleo](#), which UAL has used for many years to track management applications, is based in the San Francisco Bay Area. Acquired by Oracle Corp. earlier this year, Taleo's servers hold data reflecting who applied for which positions, who made the selections, and ultimately who received the promotions.

"The employment records concerning promotions at United are on Taleo's servers," said Dow W. Patten, of Smith Patten, attorneys for the *Johnson v. United Continental* plaintiffs. "The servers are here, the data is here, and Oracle can try to hide it all they want, but the employment records that are at issue in this case are located in Dublin, California, near San Francisco."

UAL has a long history of race discrimination issues dating back to the 1970s. In the 1995 release from the EEOC Consent Decree against United Airlines, Judge Hubert Will commented, "We caution that our conclusion is not a determination that employment discrimination may no longer be a problem at United..." but that "any current disputes are properly addressed through fresh complaints to United and the EEOC..."

"This is the fresh complaint," stated Captain Richard John about *Johnson v. United Continental*. "This is the complaint of those who have met face-first the glass ceiling repercussions of the consent decree, who have made complaints and worked for change, only to be met with more of the same."

In 2010, current United CEO Jeff Smisek stated, "There is a part of Continental's history that I am not proud of... I had never heard of Continental Airlines, but Marlon Green [an African American pilot] had, and he wanted to work for us... Did we turn him down because the other candidates were more highly qualified than him? No. We turned him down for one reason and one reason only, because of the color of his skin." At the 2010 national convention, the National Association for the Advancement of Colored People (NAACP) passed a resolution entitled "In Support of More Diversity and Advancement at United Airlines and Other Air Carriers", calling upon United to proactively address the lack of opportunity in senior management positions.

"These brave Supervisors and Captains are continuing the struggle for equal opportunity in the airline industry started by the Tuskegee Airmen and Marlon Green, among others," said Spencer F. Smith, of Smith Patten. "This lawsuit serves to ensure that there will be no more Band-Aids for this long-festering discrimination at United. Only transparency and a structural commitment to change will ensure that the glass ceiling into senior management at United is finally shattered."

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