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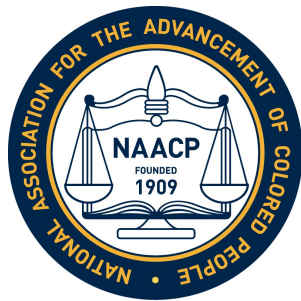
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Southwest Airlines

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NAACP

A Report On The Racial Environment In

Southwest Airlines' St. Louis Station
St. Louis Lambert International Airport
St. Louis, Missouri

**NAACP Complaint States A Claim for Disparate Treatment
In Violation of Title VII of the Civil Rights Act of 1964**

Prepared By:
St. Louis City Branch - NAACP
August 10, 2017

Background

The St. Louis City Branch of the National Association for the Advancement for Colored People (NAACP) is in receipt of a number of complaints alleging that management at your St. Louis Station has fostered, and continually failed to address the discriminatory working environment for African-American employees and customers. Complainants have detailed incidents at your St. Louis Station ranging from unequal discipline, to discriminatory incidents related to hiring.

Southwest Airlines began operations at Lambert-St. Louis International Airport on March 17, 1985. In March 1998 Southwest expanded to the new East Terminal (now Terminal 2), and by May 2010 Southwest surpassed American Airlines as the dominant Lambert carrier for both flights and available seats. Southwest Airlines currently controls 52.5% of the scheduled service at Lambert-St. Louis International Airport.

Complainant

St. Louis City Branch NAACP
4811 Delmar
St. Louis Missouri 63108
(314) 361-8600 - Office

On Behalf of

Southwest Airlines St. Louis Station's African-American Employees Specifically; and all members of the Protected Class under Title VII of the Civil Rights Act employed with Southwest Airlines Co.

Recipient of Federal Financial Assistance

Lambert-St. Louis International Airport is a Recipient of federal financial assistance from U. S. Department of Transportation - Federal Aviation Administration. The Civil Rights Restoration Act of 1987 (P.L. 100-259, 102 Stat. 28) restored the intent of Title VI and the broad institution-wide scope and coverage of non-discrimination statutes to include all programs and activities of Federal-aid recipients, subrecipients, and contractors. This statute also applies to those programs and activities that are not Federally funded.

Title 49 of the U.S.C. section 47123, "Nondiscrimination" further prohibits recipients of FAA financial assistance from engaging in discrimination based on sex and religion. Additionally, the Age Discrimination Act of 1975, as amended (42 U.S.C. Section 6101 et seq.) prohibits discrimination against FAA program beneficiaries on the grounds of age. Under these laws, airports are required to take affirmative action to ensure that there is nondiscrimination in all of their operations, including the benefits and services provided by their tenants, air carriers, concessionaires and fixed based operations.

Complaint

As far back as 2010 Southwest Airlines' St. Louis Station African-American employees have experienced an heightened racially hostile working environment. Highly sensitive racial remarks and words were common place, and in some cases, spewed in writing on the workplace walls. On multiple occasions Senior Leadership was made aware of the race issues within the St. Louis station. It was heighten after Southwest Airlines acquire Air Tran and merged Air Tran's predominantly black employees into Southwest's operations.

Senior Leadership was further advised of the racial unrest between Southwest & Air Tran employees. The only actions undertaken by Southwest consisted of a meeting with Air Tran managers and employees to calm the situation; and the issuance of memorandums to employees reinforcing Southwest's relevant policy(s); and a subsequent round table with the African-American employees.

The racial tensions were not only impacting African-American line-workers; the hostile work environment also engulfed the Station's African-American Senior Manager. The Station Manager was targeted by the Caucasian employees, requiring Southwest's Human Resources Senior Advisor to institute a plan to get the Supervisors inline, because they had turned the Caucasian employees against the Station's Senior Manager. The Supervisors subsequently were required to execute letters with respect to their job expectations that they would be held accountable for meeting goals & objectives. In spite of such actions, tensions increased, and the Station's Senior Management continually reinforce to Southwest's Senior Leadership that Caucasian employees continually ignore him, and racial tensions were increasing.

African-American Station Managers suffered from racial-bias at the most Senior Level in Southwest; in spite of having satisfactory performance appraisals, they were subject to displacement without justification. While Caucasian Station Managers at poor performing Stations had a shelf-life exceeding ten-years; African-American Station Managers had a shelf-life that rarely, if at all exceeded ten-years; in spite of having twenty-plus years of service. In some cases, African-American Station Managers were often not given enough resources for success, and often dispatched into hostile environments with a directive to clean the station up; fueling tensions between African-American Station Managers and Caucasian subordinates.

There is a preponderance of the evidence that Southwest imposed circumstances giving rise to (1) A Hostile Work Environment & Harassment. Southwest African-American Employees were treated differently than other similarly situated employees who violated work rules of comparable seriousness giving rise to (2) Unequal Discipline. And while Southwest neither encourages nor discourages workplace relationships between consenting employees Southwest has basic Rules of Conduct/Prohibitions that Management failed to enforce/follow giving rise to (3) Unfair Hiring & Nepotism. And gave Caucasians special access to opportunities and resources giving rise to (4) Race-Conscience Preferential Treatment. All establishing a chain of inference of racial discrimination.

Timeline/Overview Discriminatory Acts That Senior Leadership was made aware of:

In 2010, Per Labor Relations the Station Manager was ordered to issue memo to all St. Louis Station employees due to several Caucasian employees "yelled out" via internal company radio "Let them Nigga's work the flight"; no one would admit to or supply information as to who stated this over the company radio; however, several employees stated that "this has been going on for years."

On multiple occasions Southwest's senior leadership was informed of significant race issues within the St. Louis station. It mostly stemmed from Southwest Airlines' acquisition of Air Tran which had predominantly African-American employees. Again, Senior leadership had been advised of racial unrest between the employees and a meeting was held with no action other than a meeting with Air Tran Station Manager and employees to calm the situation.

In 2012 a Senior District Union Representative (who was Caucasian) advised Management that the St. Louis Station had racial issues/tensions that have been going on for years. Senior Management was notified.

In 2013, racial remarks ("lazy niggas") was found in the men's restrooms requiring the Station Manager to issue a memo to all employees.

During a round table meeting, African-American employees advised the Station Manager that there was favoritism towards Caucasian employees re scheduling, bids, and performance evaluations. In response to an investigation into the matters Caucasian employees/supervisors signed a petition to have the Station Manager removed, resulting in a investigation by Labor Relations, the charges in the petition were unsubstantiated.

In 2014, during the Ferguson unrest, there were several Caucasian employees who posted on social media "we have to tolerate the niggas here at work, but if they come in to our neighborhoods, we will shoot them". It was brought to the attention of Senior Leadership with no formal investigation.

A noose was also found hanging in the locker room during this period.

In 2015, during the company's Holiday party a Caucasian employee made a comment to a table of African-American employees "what is this, Selma?". There was an investigation with a warning letter to this employee and he was told that the letter would be removed within six (6) months.

In addition, a senior supervisor (Caucasian) was terminated for inappropriate conduct and withholding information (lying); and the Human Resource Business Partner and the Station Manager's Director to address the fact that Supervisors were not meeting expectations.

In 2016, in 2015 in a attempt to clean-up the St. Louis Station; Supervisors were required to execute letters outlining required expectations. in 2016 many continued to perform poorly and were given performance plans.

In 2017 the Station Manager had to instruct the the Manager of Operations [REDACTED] a Caucasian to not let Caucasian Ramp Agents [REDACTED], [REDACTED], and [REDACTED] train African-Americans because of their mistreatment of African-Americans.

A African-American Ramp Supervisor went to Headquarters and met with Senior Human Resource Managers and briefed them on discriminatory environment at the St. Louis Station.

1. Hostile Work Environment & Harassment:

An African-American Flight Attendant was concerned that her Caucasians fellow employees stop speaking to her, she informed Customer Service Manager [REDACTED] to no avail.

1.1 During the election of Donald Trump, customer service agent [REDACTED] openly sang a song about President Obama and Healthcare. It was reported to Customer Service Manager [REDACTED] to no avail.

1.2 During the election of Donald Trump a larger number of Caucasian Southwest Airlines employees gather in the break room watching Donald Trump speak; an African-American employee informed the group that such was against company policy, the group refused to change the channel. It was reported it to Customer Service Manager [REDACTED] to no avail.

1.3 Customer Service Agents [REDACTED] and [REDACTED] were openly discussing in front of African- American employees the desire to purchase a confederate flag and hang it in the break

room. It was reported to Customer Service Manager [REDACTED] to no avail.

1.4 An African-American Southwest Customer Service Agent was cursed out by a Caucasian passenger, whom sarcastically asked, "Who do you think you are? Martin Luther King African-American?" The Agent summoned Customer Service Supervisor [REDACTED]. The Supervisor allowed the passenger to board. The African-American Agent subsequently informed Customer Service Manager [REDACTED] to no avail. There have been instances when the disruptive customer was African-American the customer was not allowed to board, refunded their money, and informed they could not fly Southwest; and in some cases escorted away by police.

1.5 A recently retired Caucasian Customer Service Agent [REDACTED] told a hispanic airport cleaner "You should go back to your country we speak English here and you need to learn our language". It was reported to Customer Service Manager [REDACTED], whom subsequently spoke with the Agent about the incident. The Agent afterwards approached the same airport cleaner again in the restroom, retaliated and told she should not have told on her. The second encounter was reported to Customer Service Manager [REDACTED] to no avail. It is important to note that this Customer Service Agent has consistently been reported to Customer Service Manager [REDACTED] for well over a decade for making racial and offensive comments about any one that wasn't Caucasian.

1.6 A Caucasian Customer Service Agent ([REDACTED]) cursed a passenger calling her a bitch; all of this took place in the presence of Customer Service Manager [REDACTED] and Customer Service Supervisor [REDACTED]. The Customer Service Agent was subsequently promoted to Supervisor, and is currently a Southwest Airlines Trainer at the St. Louis Station.

1.7 In a team meeting Customer Service Manager [REDACTED] stated "I only have a few more years before I retire, I will fire anyone that gets in my way".

1.8 A African-American Flight Attendant approached her Caucasian Union Representative - [REDACTED] to submit a complaint about Customer Service Supervisor [REDACTED]; the Supervisor stated "be careful with what you say because [REDACTED] is my friend outside of work. The Flight Attendant ceased the conversation immediately and never spoke with [REDACTED] again about anything regarding supervisors.

1.9 A African-American upon graduating stop by the Customer Service Supervisor's office to inquiry about buddy passes. Caucasian Customer Service Supervisor [REDACTED] stated to the African-American "Hello, I was hoping you didn't make in-flight". The African-American replied "Excuse me," the Customer Service Supervisor [REDACTED] repeated it. Customer Service Managers [REDACTED] and [REDACTED] were informed to no avail.

1.10 A group of Caucasian employees were in Operations watching the televised ceremonial departure of President Obama & his wife from the White House via helicopter; a Caucasian employee boasted "wouldn't it be funny if the helicopter fell from the sky" - the other Caucasian laughed aloud. One African-American employee stated that they didn't find that funny

1.11 [REDACTED] a Caucasian ramp agent jump into the belly of a plane and cursed out a African-American ramp agent [REDACTED], and called him a "worthless piece of shit," it was reported to the Manager of Ramp Operations to no avail. [REDACTED] also did the same thing too [REDACTED].

1.12 The employees were allowed to utilized a corner in the bag room for weight training, one day someone spray-painted "Nigger" on the wall

1.13 [REDACTED] an African-American ramp agent was driving a company vehicle on the ramp; [REDACTED] a Caucasian ramp supervisor approached her and stated “slow down black bitch.” It was reported a Manager to no avail.

1.14 A black wheelchair pusher walked into operations and requested a bandaid, as he left a Caucasian Customer Service Agent the African-American Customer Service Agent in the room “Why was the hoodlum in here?” The African-American reported to Customer Service Manager [REDACTED] to no avail

1.15 A Caucasian employee openly discussed the conditions of the local educational systems, comparing them to those in the surrounding counties where he resided; and stated “Inner City kids in the St. Louis Public Schools don't want to learn, they just want to go and live off welfare.”

1.16 A Caucasian supervisor approached a African-American employee and asked if he want some duck sausage, the African-American said sure, the Caucasian responded point at his genitals, “well duck down and get you some.”

1.17 An African-American Ramp Agent within the first weeks of employment at the St. Louis Station was berated by a Caucasian co-worker and told “I have the authority to go to the supervisors and they would walk you out of here.” When the African-American tried to lodge a complaint she was told that she couldn't because she was on probation.

1.18 Senior Managers were consistently target African-Americans whom they want fired via email.

1.19 Station Manager found it necessary to restrict Caucasian Ramp Agent [REDACTED] from training African-Americans.

1.20 African-Americans on the culture committee were charged with decorating the Gates for Black History Month and decided to hang a photo of President Obama in

recognition of him being elected America's first African-American President. Caucasian Customer Service Manager instructed them to remove the photo because they were soliciting votes for the President (whom had just been sworn into office); before they could do such they received a communication from the Customer Service Manager that if they were looking for the photo he removed it and told them where could retrieve it.

1.21 The St. Louis Station has a trophy case containing trophies won by the employee softball team; solely consisting of Caucasians. The Station employee subsequently formed a flag football team consisting of a diversity of employees more reflective of the Station's workforce. The flag football team won a second place trophy and placed it on the company trophy case. It was replaced and repeatedly mysteriously removed, the flag football team trophy has yet to find a home in the St. Louis Station.

2. Unequal Discipline:

2.1 Prior to [REDACTED] becoming a Supervisor she dated Customer Service Supervisor [REDACTED] while a Customer Service Agent, clearly violating company policy.

They were subsequently married and currently they both are working as Customer Service Supervisors at the St. Louis Station. African-Americans committing the same infraction were disciplined and/or terminated.

2.2 A African-American Flight Attendant approached her Caucasian Union Representative - [REDACTED] to submit a complaint about Customer Service Supervisor [REDACTED]; the Supervisor stated “be careful with what you say because [REDACTED] is my friend outside of work. The Flight Attendant ceased the conversation immediately and never spoke with [REDACTED] again about anything regarding supervisors.

2.3 Hispanic Customer Service Supervisor [REDACTED] dated Customer Service Representative [REDACTED], in violation of company policy. They both tried to transfer to Orlando, however, the Orlando station would not accept them because they knew this is not allowed. They both have continued to work under their titles at the Saint Louis Lambert station.

2.4 Former African-American Customer Service Manager [REDACTED] was dating Caucasian Customer Service Representative [REDACTED]. Her children's father (a Southwest Ramp Agent in the St. Louis Station) found out, all of the Caucasians rallied together and submitted it to Dallas. He was fired immediately for violating company policy.

2.5 A Former African-American Customer Service Representative [REDACTED] was taking a flight out of town and the Operations Agent had closed the door. Customer Service Supervisor Lana Uhl told [REDACTED] it was ok to go down the jet bridge. She was subsequently terminated for a security breach. However a Caucasian Customer Service Representative [REDACTED] took an item down the jet bridge for a passenger without running through security and has also taken passengers through the employee entrance into the airport and was not disciplined.

2.6 African-American Customer Service Agent [REDACTED] was targeted by Customer Service Managers [REDACTED] and [REDACTED] during her probation for termination.

2.7 Former African-American employee [REDACTED] (African-American) was terminated during probation for falling asleep on the job after working continuous mandatory overtime shifts (working 16 hour days).

2.8 Prior to leaving the St. Louis station, new hires [REDACTED] and [REDACTED] (both Caucasian) while on probation were constantly sleeping in the break room and

baggage claim office; sometimes in the presence of passengers. Someone took a picture and informed Customer Service Manager [REDACTED]. They both were allowed to complete their probation and currently work at the St. Louis Station. It's important to note that both have a parent(s) working as ramp agents for Southwest at the St. Louis Station, with high seniority.

2.9 More recently, African-American Customer Service Representative [REDACTED] had her head down in the baggage claim office. Customer Service Representative [REDACTED] took a picture of her, and texted the picture to Union Representative [REDACTED]. Management arrived and [REDACTED] explained that she was not sleeping but in fact ill and rested her head on the counter. She was subsequently scheduled for a fact finding meeting. [REDACTED] was sent to Concentra and diagnosed with a stomach virus. [REDACTED] remained employed but was consistently harassed by the Caucasian Customer Service Representative whom took the picture of her with her head down. [REDACTED] requested a meeting with her the Station Manager [REDACTED] to complain about being harassed; at the meeting Customer Service Representative [REDACTED] admitted that she lied about the sleeping episode. [REDACTED] was not disciplined and remains employed at the St. Louis Station.

2.10 A Caucasian probationary ramp agent was servicing a plane and overflowed it with the blue-juice resulting in the plane's interior being flooded and the passengers needing to be removed to a new plane; he was not terminated and remains a Southwest employee to date.

2.11 [REDACTED] a Caucasian probationary ramp agent backed a belt loader into a fuel truck causing significant damage, he was not terminated. It is important to note that at the time of the incident [REDACTED] was leasing a place to stay from [REDACTED], his supervisor.

2.12 [REDACTED], a Caucasian ramp agent, while on probation ran into the jet bridge knocking off the air conditioner; and ran into a garage door at the T-point. [REDACTED] was not terminated; it is important to note that [REDACTED] brother also works for Southwest at the St. Louis Station.

2.13 [REDACTED], an African-American Customer Service Agent was pregnant and wearing her uniform with the shirt untucked in her pants; she was instructed by Caucasian Customer Service Manager [REDACTED] to wear her tops tucked in. On the other hand, [REDACTED], a [REDACTED] employee at the St. Louis Station whom was also pregnant was wearing her clothing on the outside (untucked). It was brought to the attention of Customer Service Manager [REDACTED] to no avail.

2.14 [REDACTED], A Caucasian, as a Customer Service Agent was in a relationship with another St. Louis Station employee; keyed and crashed the worker's vehicle and wrote on his door "Fuck You Bitch." The incident was posted on Facebook and numerous employees in the St. Louis Station commented. One of the comments stood out as to its content and author; [REDACTED] a Caucasian Customer Service Manager, [REDACTED]'s Supervisor posted on Facebook the following - "Do we need Rio have a bake sale to bond you out of jail, LOL?!" - [REDACTED] eventually advanced to Customer Service Supervisor and currently is a trainer for Southwest in Dallas

2.15 African-American Flight Attendant Trisha Newson Anderson mistakenly sent a Messenger Post to [REDACTED] a Caucasian Customer Service Agent. [REDACTED] subsequently shared the Post with a numerous fellow employees while on duty in Station; and eventually complained to Management resulting in the termination of [REDACTED]. During the Ferguson unrest, there were several Caucasian employees who posted on social media "we have to tolerate

the niggas here at work, but if they come in to our neighborhoods, we will shoot them". It was brought to the attention of Senior Leadership with no formal investigation. It is important to note that [REDACTED]'s distribution of the Post was accidental and resulted in her termination. [REDACTED]'s subsequent distribution (while on duty) was intentional and did not result in her receiving any discipline.

2.16 [REDACTED], an African-American in Operations was terminated for failure to properly calculate the weight & balance of a plane; a Caucasian in Operations committed the same violation and was not terminated.

3. Unfair Hiring and Nepotism:

3.1 Customer Service Manager [REDACTED] met with all the applicants for orientation and informed everyone that they will travel to Chicago tomorrow to get their badges and sent all of them home except [REDACTED] (allegedly his niece), he sent her to Chicago that day. He was her supervisor for the next three years.

3.2 A African-American wheelchair pusher went into the break room to submit his resume to Customer Service Manger [REDACTED]. Customer Service Representative [REDACTED] stated "We shouldn't consider or hire him because his eyes were crossed." Customer Service Manager [REDACTED] was informed to no avail.

3.3 Manager of Operations [REDACTED], a Caucasian hired nineteen-year-old [REDACTED], a Caucasian over [REDACTED], a African-American who was a career Supervisor with Boeing. It's is important to note the [REDACTED] was [REDACTED]'s neighbor.

4. Race-Conscience Preferential Treatment:

4.1 The St. Louis Station from time to time experiences very high overtime; that has very little impact on senior agents. Often

time during these periods if a African-American person had to work #16 hours they would allow the African-Americans to leave at #15 hours so they could have mandatory overtime in #3-5 hours without the 10 hour rest period. However they would allow Caucasians to work their #16 hours so they could have the #10 hour mandatory rest period. It was brought to the attention the Managers to no avail.

4.2 [REDACTED] the scheduler allegedly gives preferential treatment to Caucasians.

4.3 Shift changes were denied more often for African-Americans vs. Caucasians.

4.4 St. Louis Station Supervisors nominate employees for Agent of the Year and Agent of the Quarter; 90% of the nominees were Caucasian.

4.5 Caucasians would regularly take breaks for smoking, etc. uninterrupted; Africans-Americans would take similar breaks and Supervisors would seek them out and instruct them to return to their work area.

4.6 Caucasian Supervisors had a pattern and practice during the probationary period of waiting until African-Americans were scheduled to graduate and terminate them for infractions that occurred early on during their training; Caucasians with same or more serious infractions graduated.

Conclusion

It shall be an unlawful discriminatory practice for any employer, because of the race, color, religion, sex, and national origin of any person, to discharge without just cause, to refuse to hire, or otherwise to discriminate against that person with respect to hire, tenure, terms, conditions, or privileges of employment, or any other matter directly or indirectly related to employment.

In order to prove that several employees with issues that were similarly situated to Complainant(s). Pretext can be shown by

showing that similarly situated employees were treated better who engaged in the same or similar conduct. To be deemed "similarly situated," the individuals with whom ... the [Complainant(s)] seeks to compare ... [their] treatment must have dealt with the same Managers and Supervisors, have been subject to the same standards and have engaged in the same conduct without such differentiating or mitigating circumstances that would distinguish their conduct or employer's treatment of for it. And we are confident that we have established that the comparable was similarly situated to Complainant(s) "in all relevant aspects" of employment.

In comparing discipline decisions, "a precise equivalence in culpability" is not required; misconduct of "comparable seriousness" can suffice. The [Complainant(s)] need not demonstrate an exact correlation with the [employee] receiving more favorable treatment in order for the two to be considered "similarly-situated."

Since January 15, 2017, Southwest has 2,700 disciplinary actions and terminated 468 of them. In addition, Southwest has written up nearly three workers per day and firing one worker every other day.

The facts contained in this report suggest these actions were a regular practice, rather than an isolated instance; thus providing the following constitutes an issue of "general public importance."

Request for Information

(A) Please provide total number of St. Louis Station probationary employees terminated during their probationary period by race, gender and job title per year from 2010-2017;

(B) Please provide total number of St. Louis Station employees disciplined by race, gender and job title per year from 2010-2017;

(C) Please provide total number of St. Louis Station labor relations investigations conducted per year from 2010-2017;

(D) Please provide total number of St. Louis Station labor relations investigations resulting in a finding of Non-Conclusive per year from 2010-2017;

(E) Please provide total number of reported racial related complaints from the St. Louis Station investigated by labor relations per year from 2010-2017;

(F) Please provide total number of new hires at the St. Louis Station by race, gender, and position per year from 2010-2017;

(G) Please provide total number of former Air Tran employees transferred to the St. Louis by race, gender and position per year from 2010-2017;

(H) Please provide total number of former Air Tran employees terminated at the St. Louis by race, gender and position per year from 2010-2017;

(I) Please provide total number of St. Louis Station labor relations investigations resulting in a disciplinary action by race, gender and position per year from 2010-2017;

(J) Please provide total number of former Air Tran employees at the St. Louis Station subject to a labor relations investigation resulting in a disciplinary action by gender and position per year from 2010-2017;

(K) Please provide total number of complaints against a supervisor and/or manager from the St. Louis Station investigated by labor relations per year from 2010-2017;

(L) Please provide total number of complaints against a supervisor and/or manager from the St. Louis Station investigated by labor relations resulting in a disciplinary action per year from 2010-2017;

Sincerely,



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