

MILDENBERG LAW FIRM, P.C.

ATTORNEYS AT LAW
1735 MARKET STREET
SUITE 3750
PHILADELPHIA, PA 19103
TEL (215) 545-4870
FAX (215) 545-4871
WWW.MILDENBERGLAW.COM
WWW.LAWYERAIRLINE.COM

July 14, 2015

The Honorable Loretta E. Lynch
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

**Re: *American Airlines/US Airways*
Request of 80 African American and minority
employees in Philadelphia International Airport
(PHL), and Washington, D.C. Regan National Airport
(DCA) for DOJ Investigation of American
Airlines/US Airways:**

- Air Carrier Safety Violations (FAA Case #EWB14670)
- OSHA Violations (OSHA Complaint #909499)
- Aircraft Engine Maintenance Fraud
- Removal of Evidence During Federal Investigation
- Racial Discrimination against African American employees
- Retaliation against Whistleblowers and Civil Rights advocates in the workplace

Dear Madam Attorney General:

This law firm has been retained by eighty (80) employees¹ of American Airlines and its recent merger

¹ In addition to our 80 clients, we have been contacted by an additional number of employees seeking relief against American Airlines/US Airways at Baltimore Washington

partner, US Airways, which now form the world's largest airline.² Our clients in this matter include African American and minority ramp workers (maintenance, catering and baggage workers on the tarmac), customer service agents (ticket/gate agents), and an AA aircraft mechanic.

This letter is to respectfully request, on behalf of our clients, that the United States Department of Justice initiate an investigation into American Airlines/US Airways ("AA") based upon the information provided by our clients, set forth below.

A. Background- Areas of Investigation

Our investigation began with complaints of rampant, invidious racial discrimination against African American and other minority employees of AA in Philadelphia, and Washington, DC. The details of the racial discrimination claims are set forth below, and are also the subject of complaints pending to be filed with appropriate state and federal administrative agencies and/or courts of jurisdiction.

During the course of our investigation of these civil rights claims, our PHL clients provided evidence, including photographs, of unsafe airline equipment and

International Airport ("BWI"), Miami International Airport ("MIA"), Charlotte Douglas International Airport ("CLT"), Raleigh-Durham International Airport ("RDU"), Hartsfield-Jackson Atlanta International Airport ("ATL"), and Dallas/Fort Worth International Airport ("DFW"). We are in the process of investigating those claims and will supplement this correspondence in due course.

² On or about November 12, 2013, the DOJ resolved antitrust objections it raised to block the proposed merger between American and US Airways, and the world's largest airline became AA as a result of the merger. On or about

aircraft maintenance practices, impacting safety of aircraft, the airport, minority employees, as well as passengers flying on American.

Accordingly, on September 17, 2014, we cross-filed a safety complaint ("Safety Complaint") with the FAA and OSHA. A true and correct copy of the Safety Complaint is attached hereto, and marked **Exhibit A**.

The FAA subsequently investigated the Safety Complaint, conducting on-site inspections at PHL and interviewing our whistleblower clients. On January 28, 2015, the FAA sustained our clients' complaint, finding that "violation of an order, regulation or standard of the FAA related to air carrier safety occurred." The FAA also advised that it was "taking appropriate enforcement action." A true and correct copy of the FAA's letter of substantiation is attached hereto and marked "**Exhibit B**."

Later, on March 23, 2014, the U.S. Department of Labor, acting through OSHA, also completed an investigation, and finding what it termed were "serious" violations, issued a Citation and Notification of Penalty directed to American Airlines/US Airways, along with orders to abate the violations and financial penalties in the sum of \$11,000.00 (eleven thousand dollars). A true and correct copy of OSHA's Citation and Notification of Penalty is attached hereto, made a part hereof by reference, and marked "**Exhibit C**."

In addition to the safety concerns, the Safety Complaint also raised Air 21³ whistleblower complaints on behalf of the named Complainants in the Safety Complaint. The whistleblower claims are still pending with the Department of Labor.

³ Air 21 Complaints were raised pursuant to Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, 49 U.S.C. § 42121, which bars retaliation against employee whistleblowers as regards air carrier safety.

After the FAA and OSHA substantiated the safety violations in PHL, we investigated the safety practices of American/US Airways in DCA and found that our DCA clients claimed to be suffering through similar conditions and unsafe practices. Further investigation revealed that these allegations of unsafe conditions and practices appear to be present across the nation at this airline, based upon published reports and agency findings out of other stations including DFW (aircraft maintenance fraud/retaliation) Chicago ("ORD") (same) and MIA (OSHA workplace safety). True and correct copies of those documents are attached hereto, and marked "**Exhibit D.**"

Based upon the nationwide safety complaints, the repeated and consistent allegations of retaliatory actions and threats, and apparent actions taken to cover up evidence of violations in Philadelphia (discussed below), we believe that only the Department of Justice can bring relief to our clients and ensure that AA is operating safely, in a non-discriminatory manner, and without defrauding the public or the investigating federal agencies.

In this letter, I will explain the details of the discrimination and safety complaints, the consistent retaliation and threats to which employees claim they are subjected for bringing forth complaints, and the seemingly improper conduct by AA in removing evidence of the violations, including faulty and unsafe equipment, off site during the time period of the FAA and OSHA investigations.

B. Specifics of Investigation

1. Civil Rights

As explained, our investigation began with claims of racial discrimination against African American and other minority employees in PHL and DCA. Over the course

of our investigation, we have interviewed close to 100 AA minority employees. They allege, and we urge the DOJ to investigate, that at these two (2) stations, AA has discriminated against minority employees by subjecting them to harassing and degrading treatment, failing to train them in the same manner as white counterparts, denying them equal opportunities in terms of shifts, assignments, workloads, bids, lines, and overtime eligibility, and subjecting them to disproportionate discipline and retaliation for raising civil rights complaints.

Our 80 African American and minority clients at PHL and DCA are laboring in the midst of what they believe is a crisis of workplace racism and discrimination at AA. They allege that racial discrimination against persons of color pervades their jobs. From racial slurs by managers, to racially offensive nicknames for jobs and parts of the terminal, to racial segregation of break rooms, control rooms, teams, and job assignments, the entire gamut of racial discrimination is complained of at these stations by our clients.

In addition to the foregoing, our PHL clients claim that AA has engaged in and continued a longstanding practice of refusing and failing to train African American employees, which results in their not being qualified for the same jobs, shifts, and overtime opportunities as their white counterparts, and also impacts the safety of the airport environment. By not being qualified to bid or work the same jobs and overtime, minority employees have fewer opportunities for pay and financial benefits.

Such failures to train African American employees also constitute a violation of the FAA's airline employee training, certification, and safety requirements. Our clients have advised that AA engages in the dangerous practice of failing to train employees

of color who work on the ramp (runway/tarmac), driving tugs, loaders, and trucks, and who work in catering, loading and unloading food and beverages from the plane, operating lifts, driving vehicles, and operating jetway ramps.

In all of these safety-critical areas in PHL, our clients state that AA has denied equal training, including safety training, to their employees of color, and required them to work the jobs anyway. White employees, however, according to our clients, are provided with extensive training on all aspects of the various jobs. Once the white employees are trained, they are then qualified and eligible for bids, jobs, shifts and overtime that the our clients, all persons of color, are not qualified for.

Our clients believe that the intentional purpose of this failure to train is to limit non-white employee's opportunities and benefits of employment, to harass and humiliate them. This allegation is confirmed by the statements of our clients, who allege, tragically, that they have been denied training while their white counterparts have been trained and qualified for jobs and bids. Some claim to have literally begged the white training managers for training. But they are ignored and denied, according to our clients, while trainees who are white are greeted with weeks of training, snacks, refreshments, and pleasantries.

The black employees who are denied this training have a very limited potential in what they may and may not do, because, without training, they are only qualified for the lowest level jobs.

Notwithstanding this lack of training, however, our clients state that AA continues to force them to work their jobs loading and unloading airplanes at the airport, using heavy equipment. Even though they have

not been trained, they claim to have been repeatedly forced to work in unsafe conditions and without proper knowledge of the job or safety rules. All of these issues are covered in the standard training that has been denied, according to our clients.

In addition to the lack of training, our clients allege that regularly, managers have engaged in racially offensive comments and conduct, some of the more egregious examples of which, as set forth below, include the following:

- Pervasive use of the "N-word" by managers.
- Pervasive use of racially offensive nicknames by managers: E.g., Referring to the ramp as "Darfur," because of the large number of African, African American, and other non-white employees working on ground operations, baggage and catering.
- Also calling it a "jungle," and a "ghetto," and referring to black employees as "circus monkeys."
- Referring to the ramp breakroom in PHL as the "black panther break room," the "chocolate break room," and constantly making jail and slavery references including, in DCA, referring to the station as the "cotton fields" and "plantation." The "plantation" reference at DCA is an inside joke about the fact that the DCA airport is built on the grounds of the former Abingdon Slave Plantation in Virginia. The degrading nature of black employees dealing with "plantation" and "cotton field" references in such a place cannot be understated. There is a museum documenting the former history of the

slave plantation at the airport at DCA, near AA's operations.

- Calling black employees "boy," and referring to the predominately black ramp workplace as "work release."
- Separating jobs and shifts between the races, as a form of segregation, having non-white employee working on teams with "black leads," while white employees work teams with "white leads." Generally, our clients explain, the "white lead" teams are provided with the lightest jobs of the day, including the lightest flights to pack and unload, the lightest luggage carousels at the baggage terminal, and the gates and assignments with the least flights and the lightest flights.
- In PHL, according to our clients: The white leads are also assigned 5-6 team members on a regular basis. The black leads are often assigned substantially less team members, making the black teams have to pick up extra slack, instead of evenly dividing persons based on the number of teams, and not the race of the person. Many times, the black employees are forced to work double and triple the number of flights as the white lead teams. In these situations, they also struggle because they have less team members than the white lead teams. So they are doing more flights, with less people per team. Many times, the white lead teams will be assigned only a few flights, and then will be finished, and spend a large part of the shift on break, or in the break room or Fishbowl (all white control room in PHL).

- Maintaining Racially Separate Break Rooms, Control Rooms, and work areas.
- Failing to provide overtime opportunities to minorities, because they are provided based on qualification, which is based on training, which is often denied to persons of color.
- Racially unfair disciplinary practices. Non-white employees, as a routine matter, according to our clients, are disciplined much harsher than their white counterparts, for similar violations. Regularly, black employees are suspended and placed on disciplinary levels for violations that white employees are not disciplined for. The purpose of these disciplinary practices, according to our clients, is to keep non-white employees on disciplinary levels. After three (3) levels of discipline, the next level is termination. Black employees are regularly disciplined and terminated on charges that white employees are not disciplined for. In keeping these employees on disciplinary levels and ultimately terminating them, AA thereby keeps the non-white employees in a low seniority status. Many are terminated, according to our clients, before ever reaching significant seniority, and then are replaced with other minority employees who are also treated in a like manner and falsely disciplined and harassed. In this way, intentionally, according to our clients, AA management keeps non-white employees from progressing and receiving equal opportunities in the workplace. With less seniority, AA employees of color are entitled to less pay, less opportunities, less rights with regard to

bidding jobs and overtime, and less promotional opportunities.

- Allowing white employees to exclusively use the newer and safer equipment. This allegation is what started our investigation into the safety practices of this airline. Our clients alleged that white employees were routinely allowed by managers to reserve the best tugs, trucks, lifts and other equipment for their use, to the exclusion of black employees. Black employees have been forced to work on the unsafe equipment that is described in detail in the Safety Complaint, and which equipment both the FAA and OSHA have confirmed does not comply with federal standards. Going further, besides being dangerous to the minority employees, the faulty airline equipment also presents a danger to the general public at the airport and any persons in or near a plane when such equipment is being operated.

In summary, with respect to the civil rights claims, our clients allege widespread discriminatory practices. Most urgent and dangerous for our clients is the allegation of discriminatory denial of proper training and safe equipment to do the job. Our clients maintain that white employees are allowed to lock up the better equipment or disable it when they are not using it, so that the black or minority employees cannot use it. Our clients in PHL provided photographic evidence of same. Clients in DCA are also aware of this practice.

2. Airline Safety Violations

As a result of our investigation into our clients' allegation that they were forced to use unsafe equipment on a racially discriminatory basis, we learned, in fact, that much of the equipment, including, trucks, tugs,

lifts, and other items, at AA in PHL and DCA, is unsafe. We detailed our findings regarding PHL in the Safety Complaint, and the FAA and OSHA both agreed that the complaints were substantiated. However, we learned that the safety problems go well beyond faulty and dangerous trucks and equipment on the ramp.

In addition to the equipment itself, client after client advised us that they are afraid to speak up or "tag out" the unsafe equipment because of threats to their jobs if they do so. "Tagging out" a faulty tug or truck means that the worker will place a tag on the equipment to denote that it is not safe for use or needs repairs. "Tagging out" is a standard and required practice. However, our minority employee clients claim to have been threatened on a consistent basis when they have attempted to tag out the very equipment that the FAA and OSHA found was not in compliance. Investigating further, we found that this very same retaliatory practice was alleged by the AA employees who filed the complaints in the cases involving DFW and ORD. We also interviewed clients in DCA and learned that they claim same retaliatory attitude surrounds requests to tag out equipment or have it repaired. Instead of seeing this as a positive action for safety, AA managers apparently frown upon this practice, and, according to our clients, have threatened employees with their jobs or with discipline for protesting the failure to provide safe equipment.

The seriousness of this matter cannot be understated. We are talking about, for instance, hydraulic lifts that raise 30 feet into the sky to load an aircraft. In PHL there have been hydraulic leaks that have caused lifts to collapse and injure employees. With respect to trucks, these faulty trucks owned and operated by AA have caught on fire next to airplanes and fuel tanks. And, as explained in the Safety Complaint, some of the vehicles were not properly registered or inspected. In PHL, the catering area of AA is outside the main

airport, requiring the truck driving employees to load up, and then drive outside the airport, and then back into the airport. Our clients report that management would ban employees from driving on certain roads where police were known to be present, because the trucks were illegal to be driven. Yes, according to our clients, the world's largest airline was "driving dirty." All of the various details of the safety issues are set forth in the attached Safety Complaints.

The practice of threatening employees with their job if they want to tag out an unsafe piece of equipment must come to an end. But that practice is just a small part of the inappropriate manner in which, according to our clients, this company has operated.

3. Removal of Evidence During Federal Investigation

As explained in the Safety Complaint, our clients alleged that the Lavatory Trucks that were being operated at PHL were leaking human waste throughout the work area and airport. These old and faulty trucks were being used to empty the lavatories on the planes of human waste in between flights. Our clients provided photographs of these trucks and their leaks of human waste to the FAA and OSHA along with the Safety Complaint. Curiously, however, OSHA noted in its report of investigation that it was unable to observe leaking or faulty lavatory trucks during its investigation.

We learned thereafter that AA lavatory trucks were being removed from the airport at PHL, and wound up in a towing yard in North Philadelphia, miles away from the airport, waiting for export to Puerto Rico. AA was made aware of the OSHA and FAA complaint and allegations at or around the time the Safety Complaint was filed. It is believed that, during the dual-agency federal safety investigation in this matter, AA undertook to remove

evidence of some of the unsafe practices, including faulty Lavatory Trucks, tugs, and baggage carts, all of which wound up in North Philadelphia, off site from the airport, during the pendency of the dual federal investigation. We have documented the faulty trucks and equipment that was removed from the airport to a site in North Philadelphia. One reason OSHA was unable to observe some of the equipment complained of, we believe, was that it was no longer at the airport, having been removed.

We are requesting the DOJ to investigate the removal of this equipment from the airport. An airline that knows that the FAA and OSHA are coming to inspect its equipment should not be allowed to get away with removing the equipment or hiding it from the eyes of federal inspectors. Only the DOJ has the ability to determine whether this practice constituted an act of "hiding the ball" or attempting to obstruct the dual-agency federal safety investigation. Even if AA maintains that said equipment was at the end of its life, and needed to be taken out of service, AA had a duty to keep the equipment on site for the inspections. Moreover, the equipment is being exported to Puerto Rico for use at an airport there, suggesting that the equipment could be used, with repairs. The question then is why it was removed from the airport during the federal investigation into that very equipment.

Our PHL clients believe the removal of that equipment was to hide it from the investigators. Indeed, AA did in fact get its way because OSHA noted it was unable to observe any problems with the lavatory trucks and several other categories during their inspections. Conveniently, and unbeknownst to OSHA, it appears that at least some of that equipment was removed from the airport. If done intentionally, that is certainly a brazen act on the part of AA. But it goes along with the allegations of threats for reporting safety violations that now extends nationwide.

4. Aircraft Engine Maintenance Fraud

Finally, our AA Aircraft Engine Mechanic client has reported that AA is forcing Aircraft Mechanics at PHL to use job cards that omit important steps, parts and procedures when repairing an engine. For instance, he claims that, contrary to proper practices, mechanics must rely solely on job cards and may not use the manufacturer's reference and checklists, even if they call for different or additional procedures. In addition, he claims, mechanics are being forced to use Minimum Equipment Stickers ("MELs") to allow planes to fly that need repairs. MELs are stickers placed on a plane to indicate that a repair is needed, but that it is not part of the "minimum equipment" to fly, so the repair can be delayed. He states that MELs are abused as a reason simply to delay repairs and that often flights with 5 MELs are allowed to fly. He considers this unsafe. Because of the atmosphere of retaliation, he is afraid to challenge these practices. But he wants them to stop, and believes that the engine maintenance practices are unsafe.

He also advises that much of the maintenance has now been contracted out to companies in foreign countries, including in South America, where wages for mechanics are much less, but there are fewer FAA approved mechanics and improper operations. He claims it is widely understood that these operations will have, for instance, a single FAA approved mechanic, and many unqualified workers. He reports planes coming back from these foreign repair companies with backwards wiring and misconnected systems. He believes that the system of contracting out the maintenance to foreign vendors is dangerous for the flying public, and that the domestic maintenance is done under pressure to use improper job cards. His allegations are strikingly similar to those of the mechanics in DFW and ORD previously mentioned. It is the same kind of aircraft maintenance fraud that is being alleged.

Again, our investigation on behalf of this client began when he complained that, as an African American, he was denied the opportunity to become a mechanic for many years, while his white counterparts were provided that opportunity. And then, once he became a mechanic, he advises now of the serious safety deficiencies in aircraft engine maintenance at AA, and the atmosphere of fear of speaking up, for fear of one's job.

C. Conclusion

Madam Attorney General, the largest airline in the world needs to be held to an appropriate standard. My clients respectfully request that the DOJ initiate an investigation into these allegations, for the safety of my clients, and for the safety of the flying public.

In terms of the safety allegations, my clients report that they are still currently suffering with faulty equipment and invite the DOJ to inspect and investigate. Despite the OSHA and FAA finding in PHL, the conditions have not been remedied. My clients will be happy to show any investigators exactly where the faulty equipment is (at least that equipment that has not been removed from the airport), and document for them all of the unsafe practices described above. My clients believe that in terms of the discrimination, AA requires a civil rights monitor to assure appropriate changes and compliance. In terms of the retaliation, and the potential removal of evidence from the eyes of investigators, my clients respectfully request that any and all law enforcement powers be utilized to bring this company, and its executives, into compliance.

In the coming days, we will forward under separate cover any additional complaints filed, as well as a link to the photographs and other evidence referenced herein. Should you or any person at the DOJ require any additional

The Hon. Loretta E. Lynch
Re: American Airlines/US Airways
Jul 14, 2015
Page 16

information, my clients are prepared to sit down and provide any such information requested. This matter is urgent due to the public safety issues involved, but also due to the allegations of racial abuse of minority employees, who have suffered under unfair conditions just to pay their bills and support their families. No employer should discriminate against African American and minority employees in this manner, and, based upon the number of persons involved, we believe that DOJ involvement in the civil rights enforcement is required at this time. We hope the DOJ's involvement will force positive change upon AA, and that AA can be the largest airline in the world, with the best safety and anti-discrimination practices in the world. We believe that the executives of AA have acted arrogantly and inappropriately in the face of this information, and have continued in AA's safety violations and conduct alleged by my clients to be racially discriminatory. The similarity in allegations of safety fraud, from Philadelphia, to Chicago, to Dallas, to Washington, DC, I would humbly suggest, speaks volumes as to how the executive managers of this airline have failed in their duties, according to a substantial number of their own employees, nationwide.

I have copied various persons at the DOJ, FAA, and OSHA, as set forth below.

Thank your for your courtesies in reviewing this matter.

Very truly yours,

MILDENBERG LAW FIRM, P.C.



BY: BRIAN R. MILDENBERG, ESQUIRE

cc:
Vanita Gupta
Assistant Attorney General

Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

William A. Baer
Assistant Attorney General
Antitrust Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Leslie R. Caldwell
Assistant Attorney General
Criminal Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Michael P. Huerta
Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Reggie Govan
Chief Counsel
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Peggy Gilligan
Associate Administrator
For Aviation Safety
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

David Michaels, PhD MPH
Assistant Secretary of Labor
For Occupational Safety and Health
200 Constitution Avenue, NW

The Hon. Loretta E. Lynch
Re: American Airlines/US Airways
Jul 14, 2015
Page 18

Washington, DC 20210

EXHIBIT A

Mildenberg Law Firm, PC
By: Brian R. Mildenberg, Esquire
PA Attorney ID No. 84861
1735 Market Street, Suite 3750
Philadelphia, PA 19103
Tel: (215) 545-4870
Fax: (215) 545-4871
brm@milandstal.com
www.milandstal.com

Counsel for Complainants

FEDERAL AVIATION ADMINISTRATION SAFETY COMPLAINT

-AGAINST-

AMERICAN AIRLINES/US AIRWAYS

RE: UNSAFE OPERATIONS AT
PHILADELPHIA INTERNATIONAL AIRPORT (“PHL”)

Complainants:

David Smith
Andre Fields
Kendall Green
Andre Roundtree

Respondents/Carriers/Certificate Holders: American Airlines/US Airways

Airport: PHL

SAFETY COMPLAINT

Complainants hereby submit the following FAA Safety Complaint, and allege, on their personal information and belief, regarding the operations of Respondents, as follows:

I. Parties

1. Complainants, named above, are employees of the above-referenced Respondent/Carrier, US Airways. Because of a merger in process between US Airways and American Airlines, Complainants are also considered employees of, and subjected to working with materials and equipment of, American Airlines, and have also been provided and required to use work garments, trucks and equipment belonging to or labeled as belonging to American Airlines.

SAFETY COMPLAINT

**RE: AMERICAN AIRLINES/US AIRWAYS
OPERATIONS AT PHL**

Page 2

2. Complainants can be contacted c/o Brian R. Mildenberg, Esquire, counsel for complainants, at the address above. Upon request, Complainants will provide their address to the FAA.
3. Upon information and belief, Respondent carriers are FAA Certificate Holders pursuant to Title 14 of the Code of Federal Regulations. Upon information and belief, with the merger of these two carriers, they form the largest air carrier in the world.
4. Complainants are employees in the ground operations department, comprised of ramp (tarmac) workers, primarily responsible for baggage and cargo operations, loading and unloading airplanes, and operating trucks, tugs, and K-Loaders, and catering department ramp workers, responsible to load food and beverage and related items onto planes, and driving trucks and operating heavy equipment including forklifts and planeside lifts in loading and unloading aircraft.

II. FAA Jurisdiction

5. A Certificate Holder, including Respondent carriers, must prepare, keep current and file a “manual for the *use and guidance of flight, ground operations*, and management personnel *in conducting its operations*.” 14 C.F.R. 121.133 (emphasis added).
6. The required manual must, inter alia: “[i]nclude instructions and information necessary *to allow the personnel concerned to perform their duties and responsibilities with a high degree of safety*[.]” 14 C.F.R. 121.135(a)(1).
7. “The manual may be in two or more separate parts, containing together all of the following information, but each part must contain that part of the information that is appropriate for each group of personnel.” 14 C.F.R. 121.135(b).
8. The manual must contain “[i]nstructions and procedures for maintenance, preventive maintenance, and servicing.” 14 C.F.R. 121.135(b)(17).
9. With regard to the required manual, US Airways has issued the required manual in several parts. With regard to ground operations, US Airways has issued as part of the required manual an official Ground Operations Manual (“GOM”).
10. The ground operations departments, including ramp, vehicles, equipment, catering department and lavatory services, are governed by the GOM.
11. This GOM is part of the manual required by the foregoing FAA Regulations.

Mildenberg Law Firm, P.C.
By: Brian R. Mildenberg, Esquire
(215) 545-4870
www.milandstal.com

SAFETY COMPLAINT

**RE: AMERICAN AIRLINES/US AIRWAYS
OPERATIONS AT PHL**

Page 3

12. FAA Regulations require Certificate Holders, such as respondents, to comply with all parts of their required manuals, including, in this case, the GOM.
13. Failure to comply with the safety procedures and policies in the GOM violates the Respondents' duties to comply with their current required safety procedures and operations manuals as a condition of certification.
14. The FAA has jurisdiction to investigate the instant ground operations safety complaints because violations of the GOM are violations of the FAA requirements that carriers comply with safety policies and procedures set forth in their manual. The carrier's failure to comply with the required manual under Title 14 is within the FAA's jurisdiction, whether for the GOM portion or the flight manual portion. The GOM portion is just as much a part of the FAA required manual as the flight portion. Violation of the GOM is failure to comply with the FAA filed manual required as a condition of ongoing certification.
15. The FAA also has jurisdiction because the within complaints affect conditions of the tarmac, ramp and runway equipment, including equipment that comes into contact with airplanes (e.g., belt loaders), or is operated near aircraft and passengers, creating serious safety risks to employees and the general public, as well as impacting the safe conditions of the airport.
16. The conditions complained of herein have the potential to impact, affect, and damage, and to spread waste and disease onto aircraft, and throughout the airport, creating potentially hazardous aircraft conditions and public health concerns, including in-flight concerns to the extent of contamination of aircraft with waste and human fecal matter from improper and defective lavatory trucks and equipment, as set forth below.
17. Complainants believe and aver that American/US Airways is operating in violation of laws and the safety requirements of the Ground Operations Manual as regards the ramp and catering departments, which are responsible to drive and operate heavy equipment and trucks next to or attached to airplanes, loading and unloading same, impacting the safety of the aircraft and passengers.
18. Complainants also believe and aver that American/US Airways is operating in violation of the safety requirements of the Ground Operations Manual as regards lavatory services to and from Airplanes, spreading human waste and fecal matter throughout the tarmac and workplace.

SAFETY COMPLAINT

**RE: AMERICAN AIRLINES/US AIRWAYS
OPERATIONS AT PHL**

Page 4

19. Complainants allege that the violations set forth below are within the FAA's proper jurisdiction to assure carrier operations, airport and aviation safety.

III. Statement of Particulars

20. The Baggage Tugs provided by the Respondents are unsafe and faulty. There are over one hundred of these vehicles that Complainants and their co-workers are responsible to drive. Complainants allege that the vast majority of these vehicles are unsafe and should not be used in operation, especially near aircraft or fuel vehicles, for the following reasons:
- a. Faulty brakes/No working emergency brakes;
 - b. Defective power steering;
 - c. Broken/No windshield wipers;
 - d. Bald/Treadless Tires, unable to hold the appropriate tire pressure;
 - e. Constant fluid leaks form transmission fluid & oil, creating hazardous conditions and impacting the safe operation of the vehicles;
 - f. Slipping/Jumping/Idling Transmissions on many of the vehicles;
 - g. Bent/rusted wheel axels;
 - h. Cracked front and back windshields, impacting visibility and creating a risk of shattered glass in the Tug and on the runway/tarmac;
 - i. Missing horns;
 - j. Missing/broken headlights;
 - k. Missing/broken break lights;
 - l. Missing reverse lights (as in, not just broken, but not even installed);
 - m. Missing hood latches;
 - n. Missing fuel caps;

SAFETY COMPLAINT

**RE: AMERICAN AIRLINES/US AIRWAYS
OPERATIONS AT PHL**

Page 6

from human fecal and waste matter, to the extent that any food, worker, baggage or equipment can be contaminated and then come into contact or enter an airplane. Such contamination can be spread by contact and through airborne means, including on airplanes.

- c. The exterior of the lavatory trucks are not being decontaminated, leaking human fecal waste matter onto the exterior of the trucks, including both wet matter, and dried, solid matter that breaks into smaller pieces or is dried up and becomes as a dust. Individuals who are not wearing Personal Protective Equipment (“PPE”) come into contact with waste matter and all the bacteria it contains on a daily basis because of the defective and disgusting trucks leaking fecal matter all over the ramp. There is a high risk of this contamination spreading and impacting passenger areas within the airport, as well as food service personnel, dining areas and catering. Respondents have maintained an unsafe, hazardous and disgusting condition on the tarmac, throughout its ground operations.
- d. Dirty PPE worn in the collection human lavatory waste is stored in the interior of the lavatory trucks, thereby contaminating the interior of the trucks. Lavatory trucks are parked in close proximity of the water trucks, allowing the waste matter on the exterior of the lavatory truck, and leaking therefrom, that has not been decontaminated, to potentially cross contaminate the equipment used to provide potable water to the aircraft and the passengers.
- e. PPE used in human waste collection is allowed to be carried into the break room area.
- f. Lavatory personnel are not provided with the necessary decontamination materials to properly sterilize the equipment, including the trucks. There is no decontamination once the waste matter has spilled or leaked onto the ramp/tarmac, therefore potentially exposing the ramp and fueling personnel working on flights to harmful bacteria and waste.
- g. The containment of aircraft lavatory waste as well as the decontamination of all equipment used in the handling of waste material is imperative to the health and safety of Complainants and their co-employees, as well as the passengers of the airline and the general public. Due to cost cutting measures, as well as gross negligence, the Respondent carriers have failed in this basic duty to provide a safe and clean operation. Passengers and aircraft are at risk. Accidental contact by an employee or cross contamination between lavatory waste equipment and equipment used to provide drinking water to the aircraft

SAFETY COMPLAINT

**RE: AMERICAN AIRLINES/US AIRWAYS
OPERATIONS AT PHL**

Page 7

presents the opportunity for a serious public health risk, and should not be tolerated by an FAA Certificate Holder.

24. The Catering Trucks used on the ramp are also defective with many of the same problems as the above referenced equipment, and, in addition:
 - a. Employees in the Catering Department are instructed to operate trucks requiring a Commercial Driver's License ("CDL") when they do not hold a CDL.
 - b. Many of these trucks (as well as the other equipment referenced above) lack fire extinguishers or flare kits, or contain expired fire extinguishers.
 - c. Many of the trucks lack fuel caps.
 - d. There are trucks with expired registration/inspection stickers and trucks with no registration, and no or expired insurance documents inside of them, including trucks that are operated outside of the airport. Some of the routes take roads outside of or around the airport, on public roads. Employees have been directed by managers to avoid certain roads because that is where police are known to be present, and the Respondents do not want to get caught with their illegal vehicles on the road. Most CDL and domestic trucks are operated on public roads in public traffic on their way on and off of the tarmac or to a particular flight, depending on location and best route, either through or around the airport.
 - e. There are trucks that are leaking hydraulic fluid;
 - f. Tires are not sufficiently maintained or replaced, or kept at proper pressure because of their condition;
 - g. Truck 196 recently caught on fire with Complainant David Smith operating same while working a flight at gate C-22. There was no fire extinguisher on the truck. The truck was parked on the back of an aircraft while passengers were boarding.
 - h. On two separate occasions, hydraulic leaks caused two raised CDL trucks to fall out of the air while employees were working inside of them, catering a flight. Employees are at risk of serious injury or death from these practices and unsafe conditions.
25. There is also inadequate lighting in the Respondents' work areas at night.

Mildenberg Law Firm, P.C.
By: Brian R. Mildenberg, Esquire
(215) 545-4870
www.milandstal.com

SAFETY COMPLAINT

**RE: AMERICAN AIRLINES/US AIRWAYS
OPERATIONS AT PHL**

Page 8

26. There is inadequate ventilation for employees in the bag chute, recheck, reroute, and Sector 6 work areas.
27. There are sewage backups in the bag chute that have not been eliminated.
28. There is flooding and sewage backup in the Sector 6 work area.
29. There are wet and unsanitary conditions on the floors of the DPO in the Catering Department, causing unsafe conditions and creating a vector for spread of the human waste referenced on the ramp, from defective lavatory trucks.
30. Parts of the Catering Department have been restricted due to severe water leak issues that have caused mold and unsanitary working conditions. The restrictions, however, do not stop employees from coming into contact with the mold and waste, nor do the restrictions stop the food in the catering department, which is served on airplanes, from coming into contact with airborne particles or contamination from persons walking on the ramp, in the leaked human fecal matter that is spread throughout the ground operations of American/US Airways.
31. There are four baggage carousels that are worked by employees. Next to them, the ground is uneven and unmaintained, with metal beams running across the ground, creating dangerous conditions for employees who need to lift and load bags in that area.
32. Barrels of hydraulic fluid and waste are placed right outside of the recheck break room. They constantly leak, causing an unsafe workplace.
33. Defective and damaged towbars are in use.
34. In addition, many workers on the ramp, in safety sensitive jobs, are not receiving required training and are forced to work jobs for which they have not been trained. This places those employees, as well as other persons, at risk of injury. Complainants are aware of many employees who have not received such training. Complainants are also aware of employees who have been asked or directed to falsely sign off on training that was not provided. The training at issue involves safety-sensitive jobs like operating and loading machinery and aircraft.
35. Each of the conditions above violates the provisions of safety and operations of ground equipment near aircraft required under the US Airways GOM. The GOM specifies the proper operation of tugs, k-loaders, lavatory equipment, belt loaders, and other ground equipment. The GOM notes that all vehicles are to be in proper

SAFETY COMPLAINT

**RE: AMERICAN AIRLINES/US AIRWAYS
OPERATIONS AT PHL**

Page 9

repair and order, with working breaks, steering, lights, etc., and, obviously, are to be registered and inspected. The GOM notes the dangers of lavatory waste and the proper maintenance and operation of the trucks. The trucks are out of compliance with the GOM. These lavatory trucks need to be retired.

36. Complainants have documented many of the conditions and violations with photographs, digital copies of which are being provided to the FAA under separate cover, due to the size of the files.
37. Complainants believe and aver that Respondents managers are aware of the aforesaid conditions/violations because they are obvious, and are a constant source of complaints to managers by Complainants and their co-employees. Despite the complaints and obvious disrepair and safety hazards for the airport, workers, passengers, and aircraft, Respondents have allowed the aforesaid conditions to persist over an extended period of time.

IV. Request for Relief

38. Complainants respectfully request that the FAA investigate the aforesaid safety conditions and compel Respondents to come into full compliance with safe and proper ground operations per the GOM, and FAA regulations requiring operations safety, including but not limited to safety of “ground operations.” 14 C.F.R. 121.133.
39. Complainants respectfully request that the FAA take such additional actions as are reasonable under the circumstances to force Respondents’ future compliance, including but not limited to the requirement of safety monitoring and reporting, the requirement to have compliance audits and inspections, and any relevant sanctions, restrictions or actions with regard to the status of Respondents’ FAA certification.
40. Managers of Complainants communicated express and implied retaliatory threats to take adverse job actions against Complainants when, prior to and during July, 2014, Respondents’ managers learned that Complainants were in the process of advocating to many co-employees as to their rights to file complaints related to the foregoing violations. Among Complainants include Union Shop Stewards whose appropriate province is to address, grieve, and advocate concerning the rights of co-employees to proper workplace conditions.

SAFETY COMPLAINT

**RE: AMERICAN AIRLINES/US AIRWAYS
OPERATIONS AT PHL**

Page 10

V. Notice of Cross-Filing Rights

41. Some of the concerns arising from the above-referenced circumstances are also within the purview of Local and State regulatory and law enforcement agencies, and some of the circumstances are reportable to OSHA/US Department of Labor, and/or the US Department of Justice. Complainants accordingly also reserve their rights to also file this Complaint with said agencies.

WHEREFORE, Complainants respectfully request the FAA to investigate the foregoing and to compel Respondents to cure all violations, and to take such additional actions, or provide such additional relief, as is just and proper under the circumstances.

Respectfully submitted,

Mildenberg Law Firm, PC



By: Brian R. Mildenberg, Esquire
PA Attorney ID No. 84861
1735 Market Street, Suite 3750
Philadelphia, PA 19103
Tel: (215) 545-4870
Fax: (215) 545-4871
brm@milandstal.com
www.milandstal.com
Counsel for Complainants

Dated: September 17, 2014

Mildenberg Law Firm, P.C.
By: Brian R. Mildenberg, Esquire
(215) 545-4870
www.milandstal.com



U.S. Department
of Transportation

**Federal Aviation
Administration**

Office of Audit and Evaluation

800 Independence Ave., SW.
Washington, DC 20591

EXHIBIT B

January 28, 2015

David Smith, Andre Fields, Kendall Green, Andre Roundtree
c/o Brian R. Mildenberg
1735 Market Street, Suite 3750
Philadelphia, PA 19103

Dear Mr. Smith / Fields / Green / Roundtree:

The FAA's Flight Standards Service has completed their investigation of your air carrier safety allegations in case #**EWB14670**. The investigation substantiated that a violation of an order, regulation or standard of the FAA related to air carrier safety occurred. Accordingly, the FAA is taking appropriate corrective and/or enforcement action. Our office will monitor these actions until complete.

Please note the FAA's disposition of safety issues outlined in your complaint is independent of any investigation the Department of Labor may be conducting into your allegations of discrimination.

Thank you for bringing this matter to our attention.

Sincerely,

Vincent L. Murray II
Manager, Audit and Analysis Branch

EXHIBIT C

U.S. Department of Labor

Occupational Safety and Health Administration
U.S. Custom House, Room 242
Second & Chestnut Street
Philadelphia, PA 19106
Phone: 215-597-4955 Fax: 215-597-1956



Citation and Notification of Penalty

To:

American Airlines/US Airways
and its successors
Philadelphia International Airport
8000 Essington Avenue
Philadelphia, PA 19153

Inspection Number: 1019469

Inspection Date(s): 09/23/2014 - 10/31/2014

Issuance Date: 03/17/2015

Inspection Site:

Philadelphia International Airport
8000 Essington Avenue
Philadelphia, PA 19153

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you either call to schedule an informal conference (see paragraph below) or you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment

to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type “OSHA” and click Go. From the results, click on OSHA Penalty Payment Form. The direct link is:

<https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>.

You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will process the payments as if these restrictions or conditions do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 03/17/2015. The conference will be held by telephone or at the OSHA office located at U.S. Custom House, Room 242, Second & Chestnut Street, Philadelphia, PA 19106 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 1019469

Company Name: American Airlines/US Airways

Inspection Site: Philadelphia International Airport, 8000 Essington Avenue, Philadelphia, PA 19153

Issuance Date: 03/17/2015

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, U.S. Custom House, Room 242, Second & Chestnut Street, Philadelphia, PA 19106**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1019469
Inspection Date(s): 09/23/2014 - 10/31/2014
Issuance Date: 03/17/2015



Citation and Notification of Penalty

Company Name: American Airlines/US Airways

Inspection Site: Philadelphia International Airport, 8000 Essington Avenue, Philadelphia, PA 19153

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.22(a)(1): All places of employment, passageways, storerooms or service rooms were not kept clean and orderly or in a sanitary condition.

a) Terminal F, Baggage Handling Area - The employer did not ensure that the work area was free from excess and pooled motor oil, or similar fluids, exposing employees to slipping hazards. Observed on or about 23 SEP 2014.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/23/2015

Proposed Penalty:

\$4000.00

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1019469
Inspection Date(s): 09/23/2014 - 10/31/2014
Issuance Date: 03/17/2015



Citation and Notification of Penalty

Company Name: American Airlines/US Airways

Inspection Site: Philadelphia International Airport, 8000 Essington Avenue, Philadelphia, PA 19153

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Citation 1 Item 2 a Type of Violation: **Serious**

29 CFR 1910.178(p)(1): Powered industrial truck(s) found to be in need of repair, defective, or in any way unsafe had not been taken out of service until restored to safe operating condition(s)

a) Terminals A, B, C, and F - The employer did not ensure that the sit down baggage tractor type power industrial trucks were neither in need of repair nor any way unsafe for the employee's continuous use. Inoperable components included, but were not limited to:

- 1) Broken Windshields
- 2) Defective Horns
- 3) Defective Headlamps
- 4) Defective Taillights

Observed on or about 23 SEP 2014, 08 OCT 2014, and 31 OCT 2014.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

04/10/2015

Proposed Penalty:

\$7000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1019469
Inspection Date(s): 09/23/2014 - 10/31/2014
Issuance Date: 03/17/2015



Citation and Notification of Penalty

Company Name: American Airlines/US Airways
Inspection Site: Philadelphia International Airport, 8000 Essington Avenue, Philadelphia, PA 19153

Citation 1 Item 2 b Type of Violation: **Serious**

29 CFR 1910.178(a)(6): The employer did not ensure that all nameplates or markings were in place and maintained in a legible condition.

a) Terminal A, B, C, and F - Employees were operating powered industrial trucks where the nameplates were either removed, painted over, or otherwise illegible. Observed on or about 23 SEP 2014, 08 OCT 2014 and 31 OCT 2014.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/26/2015

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1019469
Inspection Date(s): 09/23/2014 - 10/31/2014
Issuance Date: 03/17/2015



Citation and Notification of Penalty

Company Name: American Airlines/US Airways

Inspection Site: Philadelphia International Airport, 8000 Essington Avenue, Philadelphia, PA 19153

Citation 1 Item 2 c Type of Violation: **Serious**

29 CFR 1910.178(p)(3): Spillage of oil or fuel shall be carefully washed away or completely evaporated and the fuel tank cap replaced before restarting engine.

a) Terminals B and C - Employees operating baggage tractors and belt loaders were exposed to fire hazards resulting from the spillage of oil, fuel, or similar substance that was not washed away or completely evaporated. Employees were operating vehicles with either defective or missing fuel tank caps. Observed on or about 23 SEP 2014, 08 OCT 2014, and 31 OCT 2014.

Abatement certification required within 10 days after abatement date. The certification shall include a statement that abatement is complete, date and method of abatement, and states employees and their representatives were informed of this abatement.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/23/2015



Citation and Notification of Penalty

Company Name: American Airlines/US Airways

Inspection Site: Philadelphia International Airport, 8000 Essington Avenue, Philadelphia, PA 19153

Citation 1 Item 2 d Type of Violation: **Serious**

29 CFR 1910.178(q)(7): Powered industrial truck(s) which were used on a round-the-clock basis were not examined for defects after each shift:

a) Terminals A, B, C, and F - The employer did not require employees to examine the powered industrial trucks for defects despite being used on a round-the-clock basis. As a result defective items which affect the safe operation of each powered industrial truck were observed during the walk-around inspection including, but not limited to:

- 1) Broken Windshields
- 2) Defective Horns
- 3) Defective Headlamps
- 4) Defective Taillights

Observed on or about 23 SEP 2014, 08 OCT 2014, and 31 OCT 2014.

Abatement certification and documentation required within 10 days after abatement date. The certification shall include a statement that abatement is complete, the date and method of abatement, and state that employees and their representatives were informed of this abatement. Abatement documentation shall include documents demonstrating that abatement is complete, such as evidence of the purchase or repair of equipment, photographic or video evidence of abatement or other written records.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/25/2015

A handwritten signature in black ink, appearing to read "Joseph Alzate", written over a horizontal line.

U.S. Department of Labor
Occupational Safety and Health Administration

Inspection Number: 1019469
Inspection Date(s): 09/23/2014 - 10/31/2014
Issuance Date: 03/17/2015



Citation and Notification of Penalty

Company Name: American Airlines/US Airways

Inspection Site: Philadelphia International Airport, 8000 Essington Avenue, Philadelphia, PA 19153

A handwritten signature in black ink, appearing to read "Nicholas DeJesse".

Nicholas DeJesse
Area Director

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Custom House, Room 242
Second & Chestnut Street
Philadelphia, PA 19106
Phone: 215-597-4955 Fax: 215-597-1956



INVOICE / DEBT COLLECTION NOTICE

Company Name: American Airlines/US Airways
Inspection Site: Philadelphia International Airport, 8000 Essington Avenue, Philadelphia, PA 19153
Issuance Date: 03/17/2015

Summary of Penalties for Inspection Number	1019469
Citation 1, Serious	\$11000.00
TOTAL PROPOSED PENALTIES	\$11000.00

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance. You can also make your payment electronically on www.pay.gov. On the left side of the pay.gov homepage, you will see an option to Search Public Forms. Type "OSHA" and click Go. From the results, click on **OSHA Penalty Payment Form**. The direct link is <https://www.pay.gov/paygov/forms/formInstance.html?agencyFormId=53090334>. You will be required to enter your inspection number when making the payment. Payments can be made by credit card or Automated Clearing House (ACH) using your banking information. Payments of \$50,000 or more require a Transaction ID, and also must be paid using ACH. If you require a Transaction ID, please contact the OSHA Debt Collection Team at (202) 693-2170.

OSHA does not agree to any restrictions or conditions or endorsements put on any check, money order, or electronic payment for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

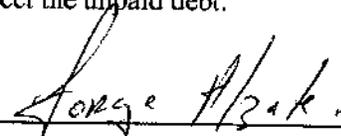
If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.


for **Nicholas DeJesse**
Area Director

3/17/15
Date