

AFA Chicago/Rosemont: McDonald v. UAL Case Records

55 linear feet
1959-1992 (bulk 1965-1984)

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Finding aid written by Kathy Makas on January 25, 2013.

Accession Number: LR002386

Creator: Association of Flight Attendants

Acquisition: Materials received from AFA Chicago/Rosemont office, 1990-2-12, 1990-2-20, and 1997-5-28.

Language: Material entirely in English.

Access: Collection is open for research.

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Notes: Citation style: “AFA: McDonald v. UAL Case Records, Chicago/Rosemont, Box [#], Folder [#], Archives of Labor and Urban Affairs, Wayne State University”

Related Material:

Abstract

McDonald v. UAL was part of a series of legal cases involving United Air Lines (UAL), their former flight attendants, and the Association of Flight Attendants (AFA). The cases centered around flight attendants who lost their job due to UAL's no-marriage policy of the 1950s and 1960s in which the company insisted that their female flight attendants remain unmarried. Upon hiring a woman as a stewardess, UAL made them sign a form which stated they could only work as a flight attendant if they remained unmarried. If a flight attendant married they had to transfer to a ground job, were forced to resign, or were fired. For years flight attendants had no legal basis to protest this employment clause, but in 1964 the Civil Rights Act was passed with Title VII prohibiting sex based discrimination. The Equal Employment Opportunity Commission (EEOC) was founded that same year, and ALPA's Steward and Stewardess Division (the precursor to the AFA) began fighting UAL's no-marriage policy, which the company finally revoked in 1968. In 1965 the EEOC declared UAL's no-marriage policy in violation of Title VII and opened the legal system to flight attendants seeking reinstatement. The first case in this series was Mary Sprogis v. UAL, 1966. This case led to a class action suit by Carole Romasanta in 1975. The Romasanta case, however, only included stewardesses who had been fired and those who had protested their removal from the flight attendant position. The narrow classification of the Romasanta case left a void, as hundreds of stewardesses had been forced to resign because of the ruling and hadn't protested either because they were unaware of the grievance process or they didn't believe they could win a grievance against a company policy. In 1977, Liane Buix McDonald filed another class action, this one to include all stewardesses who were fired, resigned, or transferred from the flight attendant position due to the no-marriage ruling.

Prior to the McDonald case the AFA backed flight attendants protesting the marriage rule and helped them to regain their jobs, seniority, and back pay. The McDonald case changed the AFA's mind; the sheer number of flight attendants gave the Association pause. The lawyers for the McDonald class estimated between 1100 and 1700 stewardesses lost their positions as flight attendants between 1965, when the EEOC declared UAL's policy in violation of Title VII, and 1968, when UAL revoked this policy and allowed flight attendants to marry. Unlike previous cases where individuals or small classes of plaintiffs were to be reinstated, returning such a large number of flight attendants to the line would put a major stress on the UAL seniority system as it stood. Many of the stewardesses in the class had only worked 1-2 years and, if their original seniority were to be reinstated, would be placed above flight attendants who had been working 13 years or more. Thus, amid protest from its membership, who were worried about losing their seniority and possibly their jobs, the AFA decided to work against the McDonald class.

The case lasted from 1977 to 1989. During that time much effort was spent on entitlement hearings to decide who should belong to the class, and who should be reinstated. The litigation also covered back pay, seniority rights, and how to reintroduce qualifying class members into the seniority list and back on active flight duty. In 1986, the court awarded \$37,972,500 in back pay to be divided equally among the qualifying class members. The court also ruled that those who wished to be reinstated were to retain their original company seniority for compensation and benefits, but their bidding

seniority was based on the time actually worked before they were forced to leave, and a percentage of the time which elapsed between their removal from flight attendant duty and their reinstatement. Reinstated flight attendants were sent to training and returned to the line on an individual basis whenever their case was approved so there was no mass return of flight attendants. Many from the original class did not qualify, and many did not wish to return to flying so only a percentage of the class actually returned as flight attendants. This approach minimized the litigation's impact on the seniority list, while still ensuring reimbursement for the class for their losses due to UAL's unfair employment practice.

The collection includes court documents, UAL marriage grievances from the mid-1960s, lawyer's correspondence, class membership lists, and research. It also includes individual cases to determine class membership. These cases include attorney notes, statements of claimants, questionnaires and answers, AFA and UAL responses, and documents provided by the claimant.

Important Subjects:

Airlines—Employees—Labor unions
Association of Flight Attendants (U. S.)—Trials, litigation, etc.
Flight attendants—Labor unions—United States
Sex discrimination—United States
Stewardesses, Airline
United Airlines
Women's rights—United States

Important Individuals:

Bigelow, Mark
Erp, Michael
Herman, Peter
McDonald, Liane Buix
Moldof, Stephen
Moran, James B.
Purogel, Linda
Rhode, Susan
Savelson, Robert
Tschirhart, Paul

Arrangement

The collection is arranged into 2 series.

Series I. Legal Files, 1966-92 (Boxes 1-6)

Series II. Individual Case Files, 1959-85 (Boxes 6-55)

Series 1

Box 1

1. Appeals, 1983
2. Attorney's Fees, 1983-84
3. Back Pay, 1983
4. Back Pay, 1984
5. Back Pay, 1984-85
6. Brief for the Equal Opportunity Commission, Amicus Curiae, 1982-12-20
7. Burden of Proof, 1983-84
8. Burden of Proof, 1984-85
9. Case Notes, 1984-85
10. Certificate of Interest, 1983-1-25
11. Claimants, 1986
12. Claimants, 1987
- 13-14. Claimants, 1988
15. Claimants, 1989
16. Claimant/Class Information, A-H
17. Claimant/Class Information, I-M
18. Claimant/Class Information, N-R
19. Claimant/Class Information, S-Z
20. Claimant Information
21. Claimant Information Cards, Set 1, A-D
22. Claimant Information Cards, Set 1, E-K
23. Claimant Information Cards, Set 1, L-P
24. Claimant Information Cards, Set 1, Q-T

Box 2

1. Claimant Information Cards, Set 1, U-Z
2. Claimant Information Cards, Set 2, A-J
3. Claimant Information Cards, Set 2, K-R
4. Claimant Information Cards, Set 2, S-Z
- 5-6. Claimant Lists, 1983-84
- 7-8. Class Membership, 1983-85
9. Class Membership, 1985-86
10. Class Membership Hearing Lists, 1983
11. Consent Decree
12. Contracts, 1964-65, 1967-69
13. Correspondence; Attorney Robert Savelson, January 1980

14. Correspondence; Attorney Robert Savelson, February 1980
15. Correspondence; Attorney Robert Savelson, February-March 1980
16. Correspondence; Attorney Robert Savelson, April-December 1980
17. Correspondence; Attorney Stephen Moldof, 1981
18. Correspondence; Attorney Mark Bigelow, 1983-84
19. Correspondence; Attorney Stephen Moldof re: Settlement, 1986-87
20. Correspondence; Attorney Stephen Moldof, 1986-87
21. Correspondence; Attorney Stephen Moldof, 1990-92
22. Court Documents, n.d.
23. Court Documents and Correspondence, January 1982
24. Court Documents and Correspondence, February-December 1982
25. Court Documents and Correspondence, January-July 1983
26. Court Documents and Correspondence, July-December 1983

Box 3

1. Court Documents and Correspondence; Attorney Stephen Moldof, January-February, 1983
2. Court Document and Correspondence; Attorney Stephen Moldof, March, 1983
3. Court Documents and Correspondence; Attorney Stephen Moldof, April-May 1983
4. Court Documents and Correspondence; Attorney Stephen Moldof, May 1983
5. Court Documents and Correspondence; Attorney Stephen Moldof, June-August 1983
6. Court Documents and Correspondence; Attorney Stephen Moldof, September 1983
7. Court Documents and Correspondence; Attorney Stephen Moldof, October-December 1983
8. Court Documents and Correspondence, 1984
9. Court Documents and Correspondence; Attorney Stephen Moldof, January-February 1984
10. Court Documents and Correspondence; Attorney Stephen Moldof, March-April 1984
11. Court Documents and Correspondence; Attorney Stephen Moldof, August-December 1984
12. Court Documents and Correspondence; Attorney Stephen Moldof, 1986-87
13. Defendant's First Set of Interrogatories to Plaintiff Class Members
14. Deferral Rights, 1983-85
15. Domicile Designations
16. Domicile Information, 1984-85
17. EEOC v. UAL; Consent Decree, 1976-4-30
18. Entitlement Hearing Schedules, 1983
19. Entitlement Hearing Schedules, 1984
20. Entitlement Hearings; Plaintiff's Exhibit List

21. Furlough, 1971-80

Box 4 Contains sensitive materials – researchers must sign Restricted Use Form.

1. Grievances, 1966
- 2-3 Grievances, 1967
- 4-6 Grievances, 1968
7. Grievances, 1969
8. Hearing Schedules
- 9-11 Information and Research
12. McLean v. UAL. 1990
13. Motion to Reconsider and Consolidated Appeals, 1983-84
14. Motions, 1983-84
15. Objections, etc., 1983-85
- 16-17 Objections
18. Opening Brief of Plaintiff-Appellant and Class Representative Liane Buix McDonald, 1982-83
19. Opening Brief on Behalf of Cross-Appellant UAL, February 1983
20. Out-of-Service Listings, 1983
21. Pension, 1988-89
22. Plaintiff's Post Trial Memorandum Regarding Reinstatement with Seniority. 1981-9-10
23. Post Trial Brief of AFA, 1981-7-21
24. Post Trial Brief of AFA on Back Pay Issues, 1983-3-11

Box 5

1. Rehearing, 1984
- 2-3 Reinstatement and Placement of Class Members, 1986-87
4. Reinstatement Appeal, 1983-5-27
- 5-7 Reinstatement Decisions, 1986-88
8. Reply Memorandum in Support of Motion of AFA to Intervene
- 9-10 Research
11. Responsive Statements of AFA to Statement of Claimants, 1983-10-13
- 12-13 Return to Service, 1986-87
14. Returnee Data
15. Seniority, 1983-84
16. Settlements, 1971-83
17. Settlement and Reinstatement, 1986
18. Special Administrative Master's (SAM) Orders, 1983-84
19. Summaries
- 20-22 Summaries, 1983-84

Box 6 Contains sensitive materials – researchers must sign Restricted Use Form.

1. Summary List of Court Documents Filed, 1970-84
2. Training, 1986
3. Transcripts, n.d.
4. Transcripts, 1982-9-16

- 5. Transfer Motions, 1983
- 6. Transfers, 1983
- 7-9 Transfers, 1984
- 10. Transfers, 1985
- 11. Updates from Cohen, Weiss and Simon, 1983-85
- 12. Vacation for Class Members Reinstated, 1984-85
- 13-14 Witnesses
- 15. Witness Reports, Unconfirmed
- 16-17 Worksheets and Research

Series II

18-33 Individual Case Files, A-AL

Box 7 Contains sensitive materials – researchers must sign Restricted Use Form.

1-30 Individual Case Files, AL-AR

Box 8 Contains sensitive materials – researchers must sign Restricted Use Form.

1-33 Individual Case Files, AR-BA

Box 9 Contains sensitive materials – researchers must sign Restricted Use Form.

1-29 Individual Case Files, BA-BE

Box 10 Contains sensitive materials – researchers must sign Restricted Use Form.

1-27 Individual Case Files, BE-BO

Box 11 Contains sensitive materials – researchers must sign Restricted Use Form.

1-27 Individual Case Files, BO-BR

Box 12 Contains sensitive materials – researchers must sign Restricted Use Form.

1-29 Individual Case Files, BR-BU

Box 13 Contains sensitive materials – researchers must sign Restricted Use Form.

1-30 Individual Case Files, BU-CA

Box 14 Contains sensitive materials – researchers must sign Restricted Use Form.

1-33 Individual Case Files, CA-CH

Box 15 Contains sensitive materials – researchers must sign Restricted Use Form.

1-33 Individual Case Files, CH-CO

Box 16 Contains sensitive materials – researchers must sign Restricted Use Form.

1-33 Individual Case Files, CO-CU

Box 17 Contains sensitive materials – researchers must sign Restricted Use Form.

1-32 Individual Case Files, CU-DE

- Box 18** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-32 Individual Case Files, DE-DU
- Box 19** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-32 Individual Case Files, DR-EN
- Box 20** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-31 Individual Case Files, EP-FI
- Box 21** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-28 Individual Case Files, FI-FO
- Box 22** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-29 Individual Case Files, FO-GE
- Box 23** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-34 Individual Case Files, GE-GR
- Box 24** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-30 Individual Case Files, GR-HA
- Box 25** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-33 Individual Case Files, HA-HE
- Box 26** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-28 Individual Case Files, HE-HO
- Box 27** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-31 Individual Case Files, HO-HU
- Box 28** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-33 Individual Case Files, HU-JO
- Box 29** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-34 Individual Case Files, JO-KE
- Box 30** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-31 Individual Case Files, KE-KO
- Box 31** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-33 Individual Case Files, KO-LE
- Box 32** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-31 Individual Case Files, LE-LO

- Box 33** Contains sensitive materials – researchers must sign Restricted Use Form.
1-35 Individual Case Files, LO-MA
- Box 34** Contains sensitive materials – researchers must sign Restricted Use Form.
1-33 Individual Case Files, MA-MA
- Box 35** Contains sensitive materials – researchers must sign Restricted Use Form.
1-32 Individual Case Files, MA-MO
- Box 36** Contains sensitive materials – researchers must sign Restricted Use Form.
1-35 Individual Case Files, MO-Mc
- Box 37** Contains sensitive materials – researchers must sign Restricted Use Form.
1-36 Individual Case Files, Mc-Mc
- Box 38** Contains sensitive materials – researchers must sign Restricted Use Form.
1-32 Individual Case Files, Mc-NO
- Box 39** Contains sensitive materials – researchers must sign Restricted Use Form.
1-32 Individual Case Files, NO-OS
- Box 40** Contains sensitive materials – researchers must sign Restricted Use Form.
1-38 Individual Case Files, OT-PE
- Box 41** Contains sensitive materials – researchers must sign Restricted Use Form.
1-30 Individual Case Files, PE-PR
- Box 42** Contains sensitive materials – researchers must sign Restricted Use Form.
1-37 Individual Case Files, PR-RE
- Box 43** Contains sensitive materials – researchers must sign Restricted Use Form.
1-35 Individual Case Files, RE-RO
- Box 44** Contains sensitive materials – researchers must sign Restricted Use Form.
1-32 Individual Case Files, RO-SA
- Box 45** Contains sensitive materials – researchers must sign Restricted Use Form.
1-37 Individual Case Files, SA-SC
- Box 46** Contains sensitive materials – researchers must sign Restricted Use Form.
1-34 Individual Case Files, SC-SH
- Box 47** Contains sensitive materials – researchers must sign Restricted Use Form.
1-35 Individual Case Files, SH-SO

- Box 48** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-38 Individual Case Files, SO-SU
- Box 49** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-32 Individual Case Files, SU-TE
- Box 50** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-33 Individual Case Files, TE-TR
- Box 51** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-34 Individual Case Files, TR-VO
- Box 52** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-37 Individual Case Files, VO-WE
- Box 53** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-34 Individual Case Files, WE-WI
- Box 54** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-33 Individual Case Files, WI-YO
- Box 55** **Contains sensitive materials – researchers must sign Restricted Use Form.**
1-15 Individual Case Files, YU-ZU