



## HOLWELL SHUSTER & GOLDBERG AND ACLU FILE DISCRIMINATION CHARGES AGAINST FRONTIER AIRLINES ON BEHALF OF FEMALE FLIGHT ATTENDANTS

05.16.2017

**N**ew York—Holwell Shuster & Goldberg LLP, along with the American Civil Liberties Union and the ACLU of Colorado, today filed discrimination charges with the Equal Employment Opportunity Commission on behalf of two female Frontier Airlines flight attendants who claim that the company has discriminated against them and other female flight attendants by failing to provide accommodations related to pregnancy and breastfeeding.

The flight attendants, Jo Roby, who has worked for Frontier for 13 years, and Stacy Rewitzer, who has worked for the airline since 2006, assert that despite their desire to return to work, they were forced onto unpaid leave after having their babies. When the two women sought accommodations that would enable them to pump breast milk, they were told that no accommodations were possible and were forbidden from pumping while on duty—although they typically work shifts over 10 hours long with back-to-back flights. Rewitzer also faced disciplinary action and risk of termination as a result of Frontier’s policy that penalizes pregnancy-related illness and absences.

The formal complaints filed today come on the one-year anniversary of similar discrimination charges filed in May 2016 by Holwell Shuster & Goldberg and the ACLU on behalf of four female Frontier pilots: Brandy Beck, Shannon Kiedrowski, Erin Zielinski, and Randi Freyer. A release regarding those charges is available [here](#).

The EEOC charges point to the lack of maternity leave at Frontier for flight attendants, who are limited to whatever unpaid time they have saved up under the Family Medical Leave Act, and accrued sick or vacation days. As a result, many flight attendants return to work when their babies are still nursing. Yet Frontier fails to make any accommodations for flight attendants who are breastfeeding to pump breast milk when they return to work.

The charges assert that Frontier’s policies violate federal and state laws against discrimination based on sex, pregnancy, childbirth and disability in employment, including Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Colorado Antidiscrimination Act, and Colorado’s Pregnant Workers Fairness Act. They also allege violations of the Colorado Workplace Accommodations for Nursing Mothers Act.

“In order to be competitive and attract and retain the most qualified workforce, businesses need to create an environment in which both male and female employees can thrive,” said Lani Perlman of Holwell Shuster & Goldberg. “Unfortunately, it sometimes takes brave women like our clients speaking out in order to bring about necessary changes. We hope this case brings the employees at

Frontier closer to achieving that goal.”

One of the pilots at Frontier, Freyer, who is still breastfeeding, also submitted additional allegations today in connection with the charges filed last year detailing her continued difficulties since returning to work. Frontier has denied Freyer’s request for schedule modifications to avoid longer flights, and as a result, she has had to go long stretches without pumping. Although Frontier finally gave her a list of places to pump at some airports after she and the three other pilots filed their discrimination complaints last year, almost all of the locations Freyer has attempted to use have been inadequate — either because they are too far from the gate for her to reach in the time between flights, because she has been unable to access them, or in some cases, because the location is not private or lacks a necessary electrical outlet. Moreover, Frontier’s list does not even include a location for several of the airports that Frontier pilots fly to.

“Frontier’s policies are discriminatory at a structural level and need to be changed,” said Galen Sherwin, senior staff attorney with the ACLU Women’s Rights Project. “How is it that a job that is majority female still fails to take into account pregnancy and breastfeeding? It’s time for Frontier to start addressing the needs of pregnant and breastfeeding workers — both inside and outside the flight deck.”

The flight attendants’ charges ask the EEOC to require Frontier to take several steps to make it easier for pregnant flight attendants and flight attendants who are breastfeeding, including:

- Providing clean and convenient accommodations for pumping while on duty, including on board during flight when necessary, during training, and at airports
- Allowing temporary alternative ground assignments
- Providing relief from the current strict attendance policy that penalizes flight attendants who miss work due to pregnancy
- Offering meaningful parental leave for new parents.

Prior to filing these charges, Holwell Shuster & Goldberg and the ACLU sent a letter to Frontier requesting that Frontier implement policy changes to adequately accommodate pregnant and breast-feeding flight attendants—Frontier has not done so.

Today’s complaints, along with the full ACLU release, are available [here](#). Additional information on the flight attendants’ experiences can be read [here](#).

Additional Holwell Shuster & Goldberg attorneys representing the flight attendants include co-founding partner Michael Shuster, partner Vincent Levy, counsel Hannah Sholl, and associates Jayme Jonat, Lauren Giudice, Ivo Entchev, and Nina Kanovitch.

## ATTORNEYS

Jayme Jonat

Vincent Levy

Michael S. Shuster