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Aviation cops file suit after status demotion

Group wants work record restored after United's plane-dragging scandal

BY DAVID THOMAS

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A group of Chicago aviation security officers on Wednesday filed a federal class-action lawsuit against the city of Chicago and the state's Law Enforcement Training and Standards Board, claiming the two government entities retroactively erased their work histories and demoted them from police officers to security guards.

Plaintiffs Keia Yates, Leonardo Rodriguez and Johnny Jimmerman are seeking actual and compensatory damages after the city and the state training board decertified them and their Department of Aviation colleagues as no longer being a law enforcement agency.

That decision, according to plaintiffs, "wiped out" their work histories, preventing them from transferring laterally to other law enforcement officer positions.

Applying for a new job at a law enforcement agency is similar to a credit check, said John J. Scharkey III, a partner at

Sweeney & Scharkey LLC and one of the plaintiffs' attorneys. Aviation department officers could list on a resume that they were a law enforcement officer for 20 years, but the state training department's central records would say otherwise.

"At the end of the day, when the board says they don't get credit for that time as law enforcement, that creates a problem," Scharkey said.

The complaint acknowledges that both the city and the state can, "at the stroke of a pen, change plaintiffs' titles and statuses to suit their political needs."

They are challenging the retroactivity of the decision to decertify the police force. The plaintiffs allege the city and training board decertified the force after aviation police officers forcefully removed passenger David Dao from an overbooked United Airlines flight set to leave for Louisville from O'Hare International Airport in April 2017.

Video of the incident embroiled the airline and the Aviation Department in a global public relations nightmare. Dao settled with United by the end of April 2017 for an undisclosed amount; in that deal, Dao released the city and aviation officers of all claims of liability.

The 34-page complaint details

the different steps the city and state board each undertook to remove the Aviation Department's certification as a law enforcement agency, a distinction it has held since 1993.

In a June 15 letter deactivating the aviation department's law enforcement status, the training board's Executive Director Brent Fischer wrote "officers who received their training and certification as employees of the CDA will remain certified officers; however, time served as an employee of this entity will not qualify toward any law enforcement benefits or credentials as maintained by the board."

Scharkey pointed to a June 29 letter the training board sent to Chicago's Law Department, where Cora Beem, the board's manager of mandated training, wrote that "time employed by the CDA shall not be credited as 'law enforcement' employment in any capacity, including, but not limited to, subsequent employment and participation in the Illinois Retired Officer Concealed Carry program."

The plaintiffs allege the board crafted a timeline for its decision to decertify two days before the Dao incident.

"Upon information and belief, ILETSB wanted to create the false impression that its decision

to decertify the CDA and APOs was independent of — and arose before — the United Airlines Flight 3411 incident. The facts tell a different story," the plaintiffs allege.

The plaintiffs are seeking a jury trial and class certification for their four-count suit.

The lawsuit specifically charges the defendants with violating the plaintiffs' rights under the Fifth and 14th Amendments, fraudulent inducement and promissory estoppel.

The plaintiffs are also seeking a court order restoring their work histories as law enforcement officers.

Robert D. Sweeney, also a partner at Sweeney & Scharkey representing the plaintiffs, said damages sought will include "some measure of a lost year of law enforcement service."

The lawsuit names the state of Illinois, Fischer, the city of Chicago and aviation department Commissioner Ginger Evans as defendants. Representatives at the city of Chicago's Law Department and the state training board declined to comment.

According to the firm, there are 292 aviation security officers employed by the city.

The case is *Keia Yates, et al., v. State of Illinois, et al.*, No. 18 C 2613. dthomas@lawbulletinmedia.com