

BEFORE ARBITRATOR BRIAN CLAUSS

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TWU Local 555

and

Southwest Airlines

Grievant: [REDACTED]

#PHX-P-1986/22

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AWARD

A grievance hearing was held in Dallas, Texas on January 26, 2023, during which the Employer presented the testimony of two witnesses and the Union presented the testimony of two witnesses. Pursuant to the Agreement, the parties participated in a mediation session following the arbitration hearing. The parties were unable to resolve the matter through mediation.

The evidence shows that Ms. [REDACTED] a 25-year employee at the Phoenix Airport, was working as a Provisioning Agent. While performing her duties, a Supervisor observed that the Transition Plate was not in place between the deck of the Provisioning truck and the starboard rear door of the aircraft. A letter of instruction was issued for a failure to adhere to the work rules requiring Provisioning employees to use the ramp when servicing the aircraft. It is undisputed that Ms. [REDACTED] did not use the ramp and told her supervisor that she did not use it due to safety concerns.

The evidence also shows that Ms. [REDACTED] is an experienced employee who places her vehicle deck within two inches of the fuselage – thereby eliminating gap that could allow an employee to fall between the aircraft and the truck deck. She has tripped on the sides of the ramp and finds the tongues to be unstable on occasion. There is no doubt that Ms. [REDACTED] is good at her job. However, that does not excuse her from following work rules.

The Employer established through testimony and evidence that the recent ramp rule was the result of a safety review and recommendations to improve safety. The rule was communicated to Provisioning employees and has been implemented throughout the system.

In order for just cause to be established, an employer must show a reasonable work rule, an act in violation of the rule, an appropriate investigation, and discipline appropriate to the misconduct. The Union argues that although there was a rule, a violation, an investigation, and an LOI, the rule is unreasonable because it requires employees to use an unsafe piece of equipment.

The evidence shows that the ramp was introduced to prevent serious injury when people fall between the deck and the fuselage. As noted during testimony, there is a learning curve with new rules. The Employer demonstrated the ramp and instructed the employees on use. The Employer has shown that the rule was a reasonable response to a safety concern. The Employer implemented the rule throughout the system after explanation

and demonstration. The Employer acknowledged that there has been a learning and familiarity curve.

The Union has not been able to show that the transition ramp rule is unreasonable. The evidence shows the Employer acted appropriately. The Employer has established just cause to issue the LOI to Grievant.

Grievance denied.



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Brian Clauss, Arbitrator

January 30, 2023