

IN THE MATTER OF)
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)
SOUTHWEST AIRLINES CO.)
)
and)
)
TRANSPORT WORKERS UNION OF)
AMERICA, AFL-CIO, LOCAL 555)

Case No. LAX-P-0503/19

Med-arb

Before Matthew M. Franckiewicz, Arbitrator

Discussion

Grievant [REDACTED] is a Provisioning Agent at LAX with 23 years service and a clean disciplinary record.

On January 30, 2019, Provisioning Manager Carlos Ortiz observed [REDACTED] at Gate 13. After provisioning the aircraft, [REDACTED] backed his truck from the plane and turned it so that the front of the truck was pointed toward the terminal, and then backed away, in the opposite direction from the terminal.

This is exactly contrary to Section 2.1.11 of the Company's Provisioning Manual, as illustrated in Figure 2.35, which provides that the Provisioning Agent is to back and turn with the back of the truck oriented toward the terminal, and then pull forward away from the aircraft. Although [REDACTED] was originally trained to operate the truck in the same manner he did on January 30, the procedure was apparently changed sometime after that, and there is no question that the Provisioning Manual reflects the Company's current instructions for the back-off procedure.

[REDACTED] explained that he felt more comfortable and safe operating the truck this way, in view of the cramped and congested conditions at LAX generally and Gate 13 in particular.

After a fact-finding meeting, Manager Ortiz issued [REDACTED] a Letter of Warning on February 14, 2019, citing Basic Principles of Conduct No. 14.

Even though the Grievant may feel more comfortable operating the truck in this manner, to the extent that employees and Management disagree as to the proper manner to carry out a task, the collective bargaining agreement clearly assigns the final word to Management. See Article Two, Sections C and D. Employees who fail to adhere to established policies are therefore subject to discipline.

The discipline to be applied, though, is to be corrective and progressive, and no more harsh than necessary to achieve the purpose. Grievant [REDACTED] is a long term employee with a clean disciplinary record, not a recidivist, and there is no reason to expect that anything beyond the lowest level of discipline is needed to induce him to adhere to the Company's policy regarding back-off procedures in the future. If this expectation proves false then, but only then, will a higher level of discipline be appropriate.

For these reasons I conclude that the grievance should be sustained in part, and the Letter of Warning reduced to a Letter of Instruction.

Award

The grievance is sustained in part. The Letter of Warning is modified to a Letter of Instruction.

Issued May 24, 2019

Matthew M. Franchewicz