

**SOUTHWEST AIRLINES CO. & TWU LOCAL 555**

Arbitration in the Matter of  
SOUTHWEST AIRLINES CO.,  
-and-  
TRANSPORT WORKERS UNION  
LOCAL 555

**OPINION AND AWARD**

Case No. PHX-D-1870/18

Med/ARB

**BEFORE ARBITRATOR JAMES E. CONWAY**

**APPEARANCES**

**For Southwest Airlines Co.**

Brandy Fuller  
Manager/GO/Provisioning LR  
Southwest Airlines

**For TWU Local 555**

Tyler Cluff  
TWU District 6 Representative  
Local 555

On July 5, 2018, after reviewing the information developed at a Fact-Finding session held on July 3, 2018, PHX Customer Service Manager Kathy Thomson issued Grievant [REDACTED] a Letter of Warning (LOW) asserting violation of Southwest Airlines Ground Operations Basic Principles of Conduct. Her action cited Grievant's unsatisfactory interaction with passenger Christina Hunter while on duty as Gate Agent at PHX on June 25, 2018.

The LOW was grieved as unjust on July 5, 2018. When the dispute remained unresolved in discussions between the parties, it was progressed to their established Med/Arb process, where it was heard on March 20, 2019. Mediation efforts to compose the parties' differences were not successful, prompting issuance of this expedited Award.

The facts underlying the dispute are straightforward. By way of background, Ms. Blackshire had been employed as an Operations Agent at the Company's Phoenix facilities for three and one-half years when the encounter at issue occurred. By way of run-up, according to the testimony of Above Wing Manager Kathy More, serving in management 29 years, prior to the customer complaint letter contested here, she had received several complaints in connection with Ms. Blackshire's alleged "unfriendly" attitude at work. Ms. More had a discussion with the Grievant on those issues, which Blackshire attributed at the time to a supervisor "who was not very nice." Additionally, on April 21, 2018, the Grievant had been the subject of a Fact-Finding session to address her attitude toward customers in the wake of two customer complaints received on March 12, 2018, a third on March 13, 2018 and a fourth on March 17, 2018. Following that investigation, Grievant was issued a Letter of Instruction advising her that "the behavior you have displayed will not be tolerated," and encouraging her to consult with a supervisor if there were any questions of what was expected of her.

With specific reference to Ms. Hunter's complaint concerning the June 25 matter, it stated as follows:

"Good afternoon. I always speak to gate agents as I'm boarding and I made a comment to the agent as to how funny her boarding announcement was. She then said something else that was really funny so as I passed by, I just barely touched her on the arm and said "that is so funny"...I am a nurse and a middle-aged mother so am the touchy kind of person. The agent responded so dramatically in an accusatory tone in front of all boarding passengers, "keep your hand to yourself." She did NOT say it in a joking tone but made everyone around me think I had attempted to assault her or something. I can't tell you how humiliated I was. I feel this was uncalled for and I can tell you, if I was not an A-List customer and have flown many times on Southwest, I would never fly your airline again after this interaction with one of your employees. Such a ridiculous reaction to compliments. I have never been so embarrassed in al my 54 years. Seriously. Wow."

On behalf of the Grievant, the Union argues that no discipline was issued following her most recent discussion with Kathy More on the subject of unfriendliness with co-workers. According to Ms. [REDACTED], her immediate reaction to Ms. Hunter in pulling back abruptly and ordering her not to touch her were a function of tenderness on her back and shoulders following dermatological procedures. Steve Prouty, a 37-year veteran agent and founder of the union that preceded the TWU in representing this craft, testified that he had requested but been denied an opportunity to speak with complaining passenger Hunter.<sup>1</sup> According to Mr. Prouty's testimony, he enjoys "a fine working relationship with [REDACTED]."

The Company, in contrast, takes the position that this incident was simply one more in an ongoing pattern of customer service issues with which Grievant had been struggling. Indeed, Ms. More states, in response to a question at her Fact Finding meeting as to whether she might do things differently if faced with another opportunity, she stated that "she would not have handled it differently." According to More, "she seemed unconcerned." Asked by Ms. More if she thought she was being seen as warm and friendly, Ms. More states Grievant's response was that "she said she speaks when spoken to and is just going to do her job."

The Grievant projects as a quiet, composed, intelligent professional. She and her very accomplished Union advocate have, however, been dealt a tough hand to play in this instance. Plainly, a travelling nurse, initially well disposed to the Grievant's announcements from the podium, was so offended by the threatening tone of her remark on June 25 she took time to compose a sharply worded letter of complaint. Standing

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<sup>1</sup> Southwest's reluctance to put its passengers/clients into a mix such as that posed by this situation, where confrontation on labor-management issues during an investigation might arise is, in our experience, consistent with conventional policy in the transportation industry.

alone, that complaint might or might not warrant a less severe response. But inconveniently, it does not stand alone.

The Company's burden here is to establish its case not pursuant to the high bar of criminal law standards requiring proof beyond a reasonable doubt, but by a fair preponderance of the evidence. The Grievant admits the words she spoke to Ms. Hunter were quoted correctly verbatim. So the sole remaining issue centers on the tone of those words.

Here, Southwest's credibility determination on the tone issue appears to have been predicated at least in part its discussion with the complaining passenger. But its judgment on the merits of that complaint were presumably informed as well by the Grievant's discouraging past service record relating to customer service matters, which likely helped tip the apple cart.

On the occasion of her annual performance review for the October 2017-2018 period, the Ms. [REDACTED] was reminded that she had received five customer complaint letters "due to being unfriendly...This behavior is "Unacceptable" and not only puts Southwest Airlines at risk, but also shows that you do not care for our Customers." Additionally, she was scored as "unacceptable" in matters including "customer care" and as "needing improvement" on the "friendly" criterion. In conclusion, she was offered written assistance in securing additional training on service and hospitality issues. Thereafter, on January 20, 2019, her supervisor wrote to her in part to say "I would like to challenge [REDACTED], by improving her "Customer Handling."


In addition to rejecting any notion of ever raising her voice or speaking rudely to a passenger, Grievant maintains that although she has been counseled regarding customer

complaints, she has never been provided with an opportunity to undertake hospitality training.

Based upon our careful review of the record in its entirety, we find that the charges asserted were established and the discipline issued appropriate, consistent with the Company's established policy of progressive discipline, and easily in balance with the seriousness of the offense. In the usual fashion, the Letter of Warning will be removed from Grievant's file after one year contingent on the absence of further complaints. In the interim, she is strongly encouraged to seek out and secure additional training relative to customer relationships at the earliest possible time.

**AWARD**

The grievance is denied.

  
James E. Conway  
Arbitrator

Dated: March 24, 2019  
Wayzata, MN