

The record before us establishes that Mr. [REDACTED] had entered service with Southwest on March 12, 2018, approximately ten months prior to the events triggering the Letter of Warning at issue. His service record in the months preceding that discipline was unquestionably satisfactory in all respects, including, *inter alia*, positive feedback on all aspects of his job knowledge, attitude and sensitivity to safety issues.¹ Consistently, he presents here as thoughtful, articulate, respectful of facts and unburdened by subsequent discipline issues. Notwithstanding those considerations and the very rigorous defense presented by his TWU representatives, however, for the reasons below we conclude the grievance must be denied.

As an initial matter, the Grievant was forthright in admitting his violation of clearly established Company protocols in his handling of two flights on December 20 2018, well documented here. Specifically, in the process of boarding baggage, he unilaterally determined based upon his prior experience handling luggage that some bags exceeded the 30 pounds carrier considers as average bag weight. Accordingly, without more, he documented them on the CBLs as heavy bags, defined as in excess of 60 pounds. It is further undisputed that, as indicated by the unchallenged testimony of Company Ground Operations Manager Patrick Murphy, a former ramp agent and supervisor, and Labor Manager Phil Stachowski, inaccurate or unrecorded weight calculations relied upon in determining takeoff and landing parameters pose serious safety risks. Additionally, the

¹ Grievant's Probationary Ramp Agent Evaluation, for example, includes the following notations: "[REDACTED] is compliant with all safety standards expected of him...has shown proficiency in all the different styles of pushes...does an excellent job of keeping his work area safe...[REDACTED] has gone above and beyond on several occasions...has done an excellent job as a Gate Lead...[and] Driver [REDACTED]; attitude is positive and is open to feedback...is great to work with because of his positive and friendly attitude and motivates all around him to keep a similar pace."

Company represents that such irregularities can lead to other problems, including aircraft structural issues.

The record reflects that at the time of the incidents giving rise to this grievance, Mr. [REDACTED] had served as Job Lead on numerous previous flights, and that, notwithstanding the Company's clear manual requirements, both on December 20, 2018, and in prior baggage handling he had relied upon his hunches about bag weights and generated paperwork reflecting those unconfirmed estimates, allowing numerous flights to be dispatched with baggage weights recorded as heavier than was actually the case. In fairness to the Grievant, we are persuaded that there were not improper motives in play here, but rather, as he credibly testifies, his freewheeling actions were solely the product of concern for safety threats posed by under-reporting actual weights

The Grievant's reps raise a number of issues in defense of Grievant's actions, including whether certain of the reports sponsored in evidence by Southwest its were properly relied upon; whether possible supervisory awareness of the December incidents should be properly be viewed as approval or in mitigation, and other matters. The Union's central defense, however, as affirmed by the testimony of the Grievant, is that he had never been properly trained in weight and balance issues, having been required to work with 13 volunteer trainers for a month at DFW and several additional weeks at Phoenix, whereas a co-worker had worked with only two trainers. The result, he suggests without elaboration, was a lack of consistency. Addressing the substantial prior weight and balance training reflected in his records as undertaken, Grievant suggests the training administered was relatively cursory.

Incumbents of the Gate Lead position in which Grievant served, according to the credible testimony of Company witness Murphy, are trained on all manual requirements and always responsible for these aspects of the ramp work involved in servicing flights. More specifically, Grievant attended, took and passed both initial and recurrent instructor-led training classes on employee policies including "Weight & Balance – Ramp" in March and April 2018 and again in August 2018. According to Company witness Stachowski, who represents he has both addressed grievances presenting weight and balance issues for the past 12 years and as well been involved in relevant ramp training, he had never heard of any similar irregular baggage handling by another ground ops employee.

In this instance, the record reflects that the Grievant was responsible for both creating and documenting the discrepancies between the reality on the ground and the Cargo Bin Loading Schedule (CBLS), the legal document created on December 20, 2018, susceptible to FAA audit, which the Grievant was accountable for verifying. There is a carousel of competing considerations in play here attending those facts. Some, such as asserted supervisory condonation, are more forceful than others, but there is no disagreement about where Grievant's admitted misjudgments put him on Carrier's established discipline grid.

Company Policy calls for of Letter of Instruction for minor weight and balance inaccuracies, provided no priors, and a Letter of Warning for errors exceeding 1000 pounds. Aligned, Stachowski cites a prior Letter of Instruction issued for a 432-pound error and a Letter of Warning issued to a 25-year employee for a 2730-pound error,

significantly below the dimensions of what this record presents in Grievant's case.² Both disciplinary actions were sustained at arbitration. In the end, as a result of Grievant's hunches about weight and the paperwork he generated reflecting his instincts, two airplanes were dispatched with inaccurate or unrecorded weight calculations with multiple bags unilaterally classified as heavy.

In context, it seems reasonable to conclude that just as might be the case with cockpit crews guessing at wind speeds, when the serious lack of situational awareness, potential safety ramifications and precedential impact of an employer's response are mulched into the analysis, the mere eyebrow raise prayed for would not quite do the mater justice. Grievant's actions threatened safety. By all conventional measures, in light of his very short service, his forthright admissions that he had engaged in the same guesstimation on many prior flights, the lack of hard, compelling evidence of training shortcomings, and Carrier's past practice in determining that the first step on progressive disciplinary ladder for job performance implicating such serious safety considerations is normally the minimal action taken here. Grievant's actions clearly met the criteria to trigger discipline.


Lastly, whether or not the verbal coaching or counseling sought would have stimulated more careful performance of job duties just as efficiently as an LOA appears to be a matter of discretion for Southwest Airlines. From our angle of vision, the obvious rationale for policies documenting such incidents, as demonstrated by this record, is to exert one of several limited measures of control to obviate to the extent possible what its experience shows is hardly a trivial problem. Clearly, the airline had an obligation to act.

² The record demonstrates that flight 6620 alone incorrectly reflected 1500 pounds of weight incorrectly entered.

The Letter of Warning issued, scheduled for removal in 9 months contingent upon uninterrupted service and no repetitions, seemingly a certainty, was based upon just cause. Additionally, we conclude it in no way reflected discipline disproportionate to the offenses involved. On that basis, the grievance will be denied.

AWARD

The grievance is denied.


James E. Conway
Arbitrator

Dated: March 24, 2019
Wayzata, MN