

August 17, 2016

In the matter of:

TWU, Local 555 Grievance #SEA -O-1083/16, Agent X

v.

Southwest Airlines

An Article 20 Mediation-Arbitration on this matter was held on August 16, 2016. The grievance requests the removal of a Letter of Instruction from Agent X's file. The Letter of Instruction was issued for failure to check the Gate Lead Report against the bags loaded on flight 2525 of May 7, 2016, which resulted in 37 bags according to the testimony or 39 bags according to the LOI missing the flight.

Following presentation of Opening Statements by both parties, and the production of documentary evidence, the undersigned attempted to mediate the grievance. Previously, an offer of settlement had been made by the Company to remove the letter on a non-precedent, non-referral basis. The Union did not accept that offer due to the non-precedent, non-referral provision. Mediation was not successful, so Arbitration was invoked. Witnesses were sworn and testimony was taken.

The Company position is that the Operations Agent is responsible for what goes on the flight – passengers, bags, and freight, and that since the Gate Lead Report automatically prints, the Ops Agent should take notice of the bag count on that document, and notify the Ramp if there is a discrepancy between the bags loaded and the bags checked in for the flight. Testimony established that there was no clear instruction, or training, to Operations Agents to cross check bag counts using the Gate Lead Report at the time of the incident. The Ground Operations Manual which details the Operations Agent procedures is not specific on that point. Subsequent to the flight 2525, May 7 incident a local procedure was issued for SEA advising Operations Agents to make such a cross check to ensure bags were not left behind.

Under Article 20, Section 17, the Arbitrator has limited authority when it comes to discipline – namely to determine if discipline was issued for Just Cause, or if the penalty assessed by the Company was arbitrary or unreasonable. The test for Just Cause is recognized to have 7 parts, the first of which is that "the employee knew of the company's policy". Based on the facts of this case, the policy was not clearly stated until after the fact, nor was it specifically part of the training for Operations Agents, therefore, the first test for Just Cause fails on that point. The Letter of Instruction is to be removed from Agent X's file.



Mark L. Burdette
Arbitrator, Mediator