

**U.S. DEPARTMENT OF LABOR
OFFICE OF LABOR-MANAGEMENT STANDARDS
WASHINGTON, DC 20210**

DETERMINATION

Determination of a Complaint Filed under Title IV
of the Labor-Management Reporting and Disclosure Act of 1959

On December 3, 2008, the Secretary of Labor received a complaint alleging violations of Section 401 of the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA), in the regularly scheduled election of officers conducted on October 24, 2008, by Southwest Airlines Pilots' Association (SWAPA) in Dallas, Texas.

Pursuant to Sections 402 and 601 of the LMRDA, the Department of Labor conducted an investigation. The investigation disclosed that some union officers used union laptops and union time to campaign in violation of Section 401(g) of the LMRDA.

Apprised of this finding, SWAPA agreed to conduct new nominations and a new election for 2nd vice president under the supervision of the Secretary of Labor, in accordance with Title IV of the LMRDA. The agreed upon remedial election was concluded on March 12, 2010. It is, therefore,

DETERMINED, that there is probable cause to believe that a violation of Title IV of the LMRDA occurred which may have affected the outcome of the election conducted by Southwest Airlines Pilots' Association (SWAPA) on October 24, 2008, but that this violation has been remedied by the new election, conducted in accordance with Title IV of the LMRDA, under the supervision of the Secretary of Labor, on March 12, 2010.

Therefore, civil action under Section 402(b) of the LMRDA to set aside the election conducted on October 24, 2008 is not warranted.

Signed this 26th day of March, 2010.

Cynthia M. Downing
Chief, Division of Enforcement



March 26, 2010

[REDACTED]

Dear [REDACTED]:

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,

Cynthia M. Downing
Chief, Division of Enforcement

Enclosure



March 26, 2010

Captain Carl Kuwitzky, President
Southwest Airlines Pilots' Association (SWAPA)
President, SWAPA
1450 Empire Central Drive, Suite 737
Dallas, Texas 75247

Dear Captain Kuwitzky:

The enclosed Determination represents the Department's final disposition of the matter mentioned therein.

Sincerely,

Cynthia M. Downing
Chief, Division of Enforcement

Enclosure