21-309 SOUTHWEST AIRLINES CO. V. SAXON

DECISION BELOW: 993 F.3d 492

LOWER COURT CASE NUMBER: 19-3226

QUESTION PRESENTED:

Section 1 of the Federal Arbitration Act ("FAA") provides that the FAA does not apply "to contracts of employment of seamen, railroad employees, or any other class of workers engaged in foreign or interstate commerce." 9 U.S.C. § 1. In *Circuit City Stores, Inc. v. Adams*, 532 U.S. 105 (2001), this Court held that Section 1 applies only to interstate "transportation workers." The Court did not define the term "transportation worker."

In the 20 years since *Circuit City*, the lower courts have struggled to apply its holding consistently, leading to divergent results in similar cases. This case exemplifies the inconsistency and creates a clear conflict of authorities. The Seventh Circuit held that a Ramp Agent Supervisor with Southwest Airlines Co., who supervises employees who load and unload baggage from airplanes and assists with such duties, but does not physically transport people or goods, is a "transportation worker" exempt from the FAA. That directly conflicts with *Eastus v. ISS Facility Servs., Inc.*, 960 F.3d 207 (5th Cir. 2020), where the Fifth Circuit held that an airline worker with identical responsibilities was *not* a "transportation worker" and was thus subject to the FAA. The question presented is:

Whether workers who load or unload goods from vehicles that travel in interstate commerce, but do not physically transport such goods themselves, are interstate "transportation workers" exempt from the Federal Arbitration Act.

JUSTICE BARRETT TOOK NO PART

CERT. GRANTED 12/10/2021