

804

9/18/89

STEP 4 GRIEVANCE DISPOSITION

SEP 22 ENTU

Grievance No.: 25-S-138 Hearing Date(s):
1/20/89, 8/8/89

Grievant(s): Gilbert Torres, #28728
80" Hot Strip

Issue: Whether the grievant's discharge was warranted
and for cause under the Agreement.

Present at Hearing

For the Union

M. Mezo
J. Robinson

For the Company

R. B. Castle

Disposition

Granted by Company	[]	Withdrawn by Union	[]
Partially Granted by Company	[X]	Held for Further Review	[]
Denied by Company & Still in Dispute	[]	Remanded to Previous Step as Indicated	[]

The Acting Company Step 4 Representative and the Union Step 4 Representatives reviewed their respective positions as outlined in the Step 3 and Step 4 minutes.

The Union Step 4 Representatives noted that the grievant had not had the benefit of advance notification of the consequences of refusing the drug screening test since the notice concerning the mandatory nature of such testing was not posted at the 80" Hot Strip Department. Moreover, the Union Step 4 Representatives noted that the patient assessment given the grievant prior to the decision to test him for drugs was not conclusive as to symptoms of possible drug usage.

The Acting Company Step 4 Representative conceded the above points raised by the Union Step 4 Representatives. In view of the above mentioned facts, as well as all of the other attendant circumstances in this case, the Acting Company Step 4 Representative offered to partially grant the subject grievance by reinstating the grievant to his former position in the 80" Hot Strip Department, making the grievant whole for all monies lost, less the balance of the turn on September 15, 1988 and one additional working turn, which would serve as discipline for the grievant's admitted reporting to work under the influence of alcohol.

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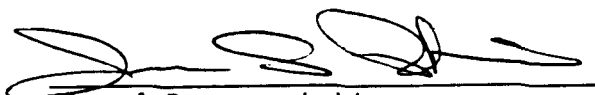
Grievance No.: 25-S-138

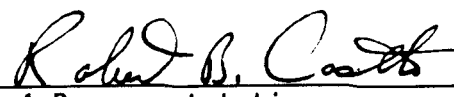
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The Acting Company Step 4 Representative emphasized that this offer is in full and final settlement of this grievance and without prejudice to any future or pending grievance(s) of the same or similar nature. The Union Step 4 Representatives accepted the Company's settlement offer without prejudice. Both parties agreed that this settlement would not be cited or referred to in any other situation.

FOR THE UNION

FOR THE COMPANY


Step 4 Representative
(acting)


Step 4 Representatative
(ACTING)

cc: Union Step 4 Representative
General Manager, Union Relations
Manager, Operating Department
Union Relations Representative
Group Benefits