Award No. 856
IN THE MATTER OF THE ARBITRATION BETWEEN
INLAND STEEL COMPANY
and
UNITED STEELWORKERS OF AMERICA
LOCAL UNION 1010
Grievance no. 32-T-34
Appeal no. 1467
Arbitrator: Terry A. Bethel
February 3, 1992
OPINION AND AWARD
Introduction
This is a discharge case involving the termination of grievant Ed Stack as the result of an incident that occurred on November 27, 1991. The hearing was held in the company's offices on January 24, 1992. Brad Smith represented the company and Jim Robinson presented the union's case. The company filed a prehearing brief and the union filed a prehearing memorandum. Grievant was present throughout the hearing and testified in his own behalf.
Appearances
For the company:
B. Smith -- Sen. Rep., Union Relations
R. Nanney -- Sen. Investigator, Plt. Protection
H. Harth -- Officer, Plt. Protection
T. Kinnach -- Section Mgr., Union Relations
For the union:
J. Robinson -- Chrm., Grievance Committee
E. Stack -- Grievant
D. Godinez -- Griever
L. Aguilar -- 2nd Vice Chrm., Grievance Comm.
R. Persons -- Witness
L. Venturelli -- Local 1053
J. Bugg -- Local 1053
Background
This case on involves the discharge of grievant Ed Stack for an alleged violation of company rule 132(1):
The following offenses are among those which may be cause for discipline, up to and including suspension preliminary to discharge:
1. Stealing or malicious conduct, including ... hiding any property ... of the company. . . .
Most of the relevant facts are disputed.
On November 27, 1991, the day before Thanksgiving, Plant Protection Officer Herb Harth was assigned to perform random bag checks in the Northwest Clock House. The parties agree that such security inspections are not performed on a regular basis, but rather occur from time to time, apparently wholly at the company's discretion. Although I have not seen the clock house, testimony at the hearing indicated that it is about 12 to 15 feet wide. The north side of the clock house is where employees enter. A plant protection officer is regularly assigned to that location. His duties include checking ID cards, distributing time cards, and observing incoming employees for evidence of alcohol or drug use.
On November 27, the open gate period began at 2:30 p.m. As I understood Harth's testimony, employees ordinarily cannot enter or leave the plant except at open gate periods. At least, they cannot do so through the clock house. As noted, the north side of the clock house is devoted to incoming traffic. There was a plant protection officer working that area on November 27. Harth took position on the south side of the clock house, where employees were exiting, and began performing bag checks. He said that when he arrived at the clock house shortly before 2:30, there was a group of about 30 employees waiting to exit. He checked the bags of some or all of that group, primarily by slapping the sides and bottom of the bags and hefting them for weight. Although there was no direct testimony, I understood Harth's description of the procedure to mean that if this cursory inspection aroused his suspicion, he would request permission to look inside the bag.
Harth said it took about five minutes to clear the employees who were waiting to leave. He then stepped over and looked out the window of the clock house into the tunnel. Harth drew a diagram of the clock

house and tunnel. It indicated that the tunnel is about 125 feet in length and runs between the clock house and a locker room. The tunnel apparently runs below street level. Thus, as employees are leaving the plant, a set of steps runs down to the tunnel from the locker room, and then another set of stairs runs back up to the clock house at the other end. Estimates of the height of the stairs ranged from about 10 or 12 to 20 feet. <FN 1>

Harth said that as he looked down into the tunnel he saw grievant walking shoulder to shoulder with another employee. Harth had the impression the two of them were together, but he did not say they were talking to each other. As Harth watched, both grievant and the other man put a foot on the bottom stair. At that instant, Harth said grievant looked up and made eye contact with him. Grievant then immediately wheeled about and started the other way. Harth said grievant's change of direction was abrupt (he described it as like a "military about face") and that it occurred immediately upon the two of them having made eye contact.

Harth said that grievant's action made him suspicious. Grievant was carrying a brown paper shopping bag. The combination of the bag, grievant's abrupt turn around, and the fact that he said nothing to the man next to him prompted Harth to follow him. Harth said that grievant moved swiftly back through the tunnel. He did not run, Harth said, but he walked rapidly, with Harth walking behind him in pursuit. Just before grievant got to the end of the tunnel to go up the stairs to the locker room, Harth called to him by saying "hey, sir." There were no other employees in the area. Grievant did not respond, but kept walking, still at a rapid pace. Grievant then went up the stairs and across the vestibule to the locker room door. Harth was now only about two or three steps behind him. Just as grievant got to the door, Harth again said "hey, sir." Again, there were no other employees in the area. At this point, grievant hesitated and glanced back over his left shoulder, but he did not stop, and proceeded on into the locker room.

Harth estimated that the locker room was about 75 feet wide. Grievant crossed the width with Harth still a short distance behind him. Harth said he did not call to grievant or otherwise try to stop him in the locker room because there were a lot of people present and he did not want to cause a scene. This, he said, is consistent with ordinary procedures. Grievant went across the room and exited the other side, with Harth a couple of steps behind. At that point there was no one else around so Harth called to grievant to stop and he did. Harth asked grievant for his time card, which grievant produced, and then Harth told grievant he wanted to look in the bag. He also asked grievant to step through another door way so they would not be observed. Grievant complied and set the bag on the floor. Harth asked if he could look in it, and grievant nodded.

Harth said there was a work shirt on top. He removed the shirt and noticed there was a small box placed vertically in the bag. The box was present in the hearing room. I did not measure it, but I would estimate that it was six to eight inches wide and deep and perhaps 10 to twelve inches long. There were clothes packed around the sides of the box. Harth removed the box from the bag and found a green fireproof jacket in the bottom of the bag. The box was quite heavy for its size. Testimony indicated that it weighed about 35 pounds.

Harth asked grievant what was in the box and grievant indicated that it was filled with tips he used in his occupation of motor inspector. The box was sealed with black tape. Harth cut the tape and looked inside. There was newspaper on the top, and then tips underneath. It is not entirely clear to me what the tips are used for, but that understanding is not an essential part of this case. There is no dispute that the tips are used by motor inspectors in their work on cranes and perhaps other equipment. They are a silver plated copper item that come in two sizes. There were some of each size in the box.

Harth asked grievant when he had gotten the tips, and grievant said about two weeks previously. He also indicated that he had gotten them from the 80 inch storeroom. Grievant said the tips were scarce and hard to come by. He had gotten them to use in his routine work around the plant and had kept them in his tool locker for the past two weeks. Harth asked grievant what he planned to do with the tips. Grievant responded that he would need them on a job the following Sunday and that he was taking them home to safeguard them over the Thanksgiving weekend. Harth also asked grievant why he had turned away at the clock house. Grievant replied that he realized he needed a materials pass to remove the tips, and he was going to get one.

Harth contacted his superior, Captain Nanney, first by radio and then by telephone, Nanney ultimately told Harth to confiscate the tips and to allow grievant to leave. Subsequently, Harth attended a investigatory hearing, held on December 9. The hearing was delayed to that date, Nanney testified, because Harth had been on vacation in the interim. At the investigation, grievant said he wanted to come clean and tell the truth about what he was doing on November 27. He said that he often has good natured disputes with his

brothers-in-law, both of whom apparently do similar work, about the size of the equipment he works on. He planned to have Thanksgiving dinner with them the next day, present them with the box of tips, and settle the dispute once and for all. Grievant described his plan as a gag, and said he intended to bring the tips back to the company on Sunday. During the hearing, grievant reiterated that he turned away at the foot of the steps leading to the clock house because he wanted to seek a materials pass.

Grievant told his story again at the third step hearing, which Harth also attended. His story differed somewhat from the version he had told when stopped by Harth and the account he had given in the investigation. Rather than claim that he turned away at the clock house stairs in order to seek a materials pass, grievant said he turned around because he had changed his mind. He said he decided his plan was a stupid thing to do and he was not going to risk it. Instead, he said he decided to take the tips back and put them in his storage locker. Grievant also reiterated that he had planned to take the tips home in order to show them to his brothers-in-law. However, under questioning from Brad Smith about which version was true -- that is, that he wanted the tips for a gag, as he had said in the investigation or that he wanted to safeguard them, as he had told Harth -- grievant said they were both true. At both the investigation and the third step, grievant denied that he saw Harth through the clock house window, as Harth maintained.

Robert Nanney, the senior investigator for plant security, also testified. He was not present during Harth's initial questioning of grievant. He was present for the investigation and the third step hearing, and his testimony supported the story told by Harth. The primary purpose of Nanney's testimony was to offer information about the value and availability of the tips. I took Nanney's testimony to mean that he looked primarily at the availability of such material at the 80 inch storeroom. He did testify, however, that such material is also available at other locations in the plant, and grievant did not contradict him.

Nanney said the policy explained to him was that the company tries to maintain an inventory of between 200 and 250 of the smaller tips at the 80 inch. They automatically reorder when the inventory falls below 100. The larger tips are used less often. The company tries to keep 16 at the 80 inch. Nanney viewed the supply at the 80 inch storeroom about a week after the incident. He said the storeroom had just received a shipment of 100 of the smaller tips, but that there were more than 200 on hand. Moreover, Nanney said the computer inventory showed that there were more than 1000 of the smaller tips available plant wide. The implication of the testimony was that there was a sufficient supply on hand on November 27, when grievant claimed to have been worried about a shortage. Nanney said there were only 7 of the large tips at the 80 inch, although the computer inventory showed there should have been 16. Grievant, however, was apprehended with nine of them, and the implication is that this accounts for the nine missing from the bin.

Nanney also testified about the value of the tips found in grievant's bag. He had a total of 9 large tips and 24 small ones. The large ones cost the company about $40 and the smaller ones cost about $35. The total value, then, was about $1200. The scrap value of the copper was significantly less than that amount.

Grievant testified in his own behalf. He did not deny that he planned to remove the tips from the plant. He said he got them about two weeks earlier and that he had kept them in a storage or tool locker in a trailer used by him and his coworkers. He said this was not an unusual practice, an assertion confirmed by Rob Persons, another motor inspector. He said he decided on Monday that he would take them home to show to his brothers-in-law on Thanksgiving. It was part of a gag, he said, that grew out of a running dispute between them over the size of the equipment grievant worked on. I took that to mean that grievant's relatives did not believe the equipment he worked on was as big as it is, and that the tips, which the brothers-in-law use a smaller version of, would demonstrate his claim.

Grievant said he took the tips to his locker on Wednesday and packed them in the bag of dirty clothes. He said he knew it was not a good idea to try and take the material out of the plant. He said he turned back just as he approached the stairs because he got nervous about what he was doing. He denied seeing Harsh in the clock house, although unlike Persons, grievant did not say that it is difficult to see in the clock house from the outside. Grievant said he walked away from the clock house at a rapid speed because he was in a hurry to leave the plant and pick up his kids. He said he did not know Harth was behind him, although he acknowledged that he may have glanced back over his shoulder. He said after he went through the locker room and exited the other side, he heard someone say "sir" and turned around to see Harth. If Harth hadn't stopped him, he said, he would have gone back to his trailer and put the tips back in the storage locker.

On cross examination grievant acknowledged that the story he told Harth differed from the account he offered in arbitration. He said he was scared and he didn't think he could explain the gag to Harth. Also, he told Harth he was going for a material pass, even though he really wasn't. Again, he said this because he was scared.

Discussion

Discharge cases are often difficult and, not uncommonly, painful, as well. That is certainly the case here. There are lots of words that one might attach to grievant, but one would not ordinarily think of him as a thief. There was no evidence of any previous difficulty. His testimony seemed to portray an intelligent, articulate man, who was described by one of his friends as a prankster. Nevertheless, I have no reasonable doubt that grievant did what the company claims and that, while he had second thoughts, they were not prompted by conscience. Rather, I believe he turned back at the stairs to the clock house because he saw Harth and he knew he would be caught in the act.

I begin with grievant's claim that he intended to remove the tips from the plant because he wanted to use them in a gag on his brothers-in-law and because he wanted to safeguard them for later use. Neither assertion has any foundation in fact and both are highly implausible. I believed Persons' testimony that the computer inventory records often misstate the quantity of materials on hand. Even so, Nanney was able to locate a more than sufficient supply of the tips in the 80 inch storeroom alone. No matter what the records showed, there were seven of the large tips in stock, and obviously would have been 9 more prior to the time grievant removed the ones found in his possession. That number should have been sufficient, given the testimony that these tips are seldom used. Nanney also located a more than ample supply of the small tips. He said there were approximately 200 on hand at the time of his inspection, and that the new order added only 100 of those. There were up to a thousand plant wide. I have difficulty believing, then, that grievant removed the tips in order to safeguard them or becuse he was worried about being able to find them on Sunday.

I am able to accept grievant's assertion that he obtained the tips prior to the time they were needed because he happened to be in the area where they were stored. Even if that is true, however, it does not explain why grievant would have found it necessary to take them home. Since the tips were in plentiful supply, if someone had removed them from the storage locker, grievant could simply have obtained more. And, of course, my reluctance to believe the safeguarding explanation is also influenced by grievant's change of story. The safeguard excuse was the first thing that came to grievant's mind when he was stopped by Harth. By the time of the investigation twelve days later, grievant had had time to come up with a different motive. His change of story obviously casts doubt on the original version (and the changed version, as well.)

Equally implausible is grievant's claim that he wanted the tips to show his brothers-in-law. I might believe this if grievant had been apprehended with a couple of tips in his pocket or his lunch box. Those aren't the facts. Grievant had nine large tips and twenty-four small ones, packed into a box that weighed about thirty five pounds. Grievant tried to explain this by asserting that he thought the larger quantity would make more of an impression on his relatives, but I did not find that explanation convincing.

During the hearing I asked whether the assortment of tips found in grievant's possession came pre-packaged in the box. They do not. Rather, the tips are kept loose in storage bins. The union adduced testimony that grievant was able to obtain the box from the storeroom and that it was common for employees to carry parts and equipment in such containers. I have no doubt that is true. That, however, was not the point of my question. I did not mean to imply that grievant was removing tips from the store room and secreting them in a box he'd hidden away. Rather, I was trying to determine whether the quantity of tips grievant had, or the way they were packaged, had any independent significance.

For example, grievant asserted that he took such a large quantity in order to make a more lasting impression on his relatives. If the tips came pre-packaged in the assortment carried by grievant, then his explanation might seem more plausible. If his brothers-in-law work with much smaller equipment (which was the inference I drew from grievant's testimony) then the tips they used might come packaged in a much smaller container. I could understand how grievant might want to make a dramatic showing that his brothers-in-laws tips come packaged like a box of paper clips, but his weigh thirty-five pounds. That, however, is not the case.

Equally damning to grievant is the fact that the quantity he had in his possession was of no independent significance. Again, if this brothers-in-law used 30 to 35 tips a day, grievant might make an impression by showing them how much 30 or 35 of his tips weigh. But there was no testimony about such quantities. Indeed, the testimony did not indicate that there was any common usage of this item.

All of this goes to undermine grievant's claim that he was taking the tips home in order to impress his relatives. There is simply no credibility to a claim that thirty-five pounds of tips were necessary for such an exhibition. I think the far more reasonable explanation is that grievant was removing the items for his own use. I can't say what that use was, although the tips had at least some scrap value as pure copper. In any event, neither of the explanations offered by grievant for his possession of the tips makes any sense at all.

Since he failed to adequately explain his possession of the tips, and since the company did not authorize him to remove them for its own benefit, I find that grievant intended to take the tips for personal use and that, contrary to his story, he did not intend to return them. He intended to keep them for his own purposes and to deny them to the company. It does not matter whether he planned to sell them or use them in some other fashion. The fact is he took them, or at least attempted to do so, and that he intended to keep them.
Having found that grievant intended to steal property of value from the company, I turn now to the of union's principal defense -- that grievant changed his mind and turned away before his actions could be characterized as attempted theft. In that regard, the union cites two cases, Alcan Aluminum Corp., 85 LA 1001 (1985, Jones, arb.) and Jones and Laughlin Steel Corp., Case No. 5-773. In the Alcan case, the company asked an employee whether he had some missing tools. The employee returned them. There was no evidence that the employee had attempted to take them away from the workplace, although it is apparent that he had intended to do so. The arbitrator said the discharge was not for cause;
"[G]rievant did not have the opportunity to complete the attempted theft. He changed his mind and returned the goods in question. He did not carry the company's property out of the company's premises and did not attempt to carry it through the gate. It is not intent but the act itself which is punishable."
The facts in the Jones and Laughlin case are similar. Company security guards had found a lunch box partly filled with copper shot. They kept the box under observation and determined that it belonged to grievant. Ultimately they confronted grievant, who asserted that he had intended to steal the copper, but had changed his mind. The arbitrator believed grievant's story and ordered him reinstated with back pay.
The union asserts that the same reasoning should apply in this case. It does not deny that grievant intended to take the tips home with him or that such intention was wrong -- although, of course, the union asserts that grievant's motive was less sinister than the company makes it out. That is, the union claims that while grievant intended to remove the tips without authorization, he also planned to bring them back. I have already rejected that claim. I think grievant planned to steal the tips and that he wanted them for a use that did not involve returning them to the company. Even so, the union claims that grievant's discharge was not for cause, regardless of motive. Whatever he may have intended to do when he left his locker that day, the unions says he changed his mind in time. He did not enter the clock house and he did not try to get the tips out of the plant. He cannot be discharged, the union says, for evil thoughts.
I agree with that, so far as it goes. The impulse to steal is one that has occurred to most -- probably all -- human beings. Few of us have not been tempted at one time or another to take something that doesn't belong to us. If we were to be disciplined for such impulses, we would all be fired. What separates those of us who steal from those of us who don't is the ability to resist that impulse. Unfortunately, some resist it better than others.
There is no question about the fact that grievant changed his mind on November 27, 1991. I have no doubt that he intended to steal the tips. The question, however, is not merely whether he changed his mind before he got to the clock house. Obviously, he did. I think the issue, however, is what prompted that change. Grievant's story at the hearing was that he knew taking the tips was not a good idea and that he just got nervous. He said he turned away as he reached the clock house and that he walked rapidly in the other direction because he had to pick up his kids and he was in a hurry.
No one can get inside grievant's mind and know exactly what he thought on November 27. Indeed, grievant himself probably could not say today exactly what he was thinking two months ago. He has had too much of an opportunity to edit past thoughts with recent rationalizations. All I can do is weigh his current story against the actions he took and evaluate the plausibility of his claim.
I find it significant that grievant did not turn back until he got within view of the clock house. I understand that Harth is not ordinarily there, but that is just the point. Grievant had worked for the company for three years since his most recent date of hire, but he had previously worked for nine years. Surely he understood the significance of Harth's presence. He must have known that the company conducted random bag inspections and when he saw Harth he could not take the chance that Harth had just stopped in to have a smoke. He had to assume that Harth was inspecting bags and he couldn't chance trying to walk through with thirty-five pounds of copper tips in a paper bag.
I know that grievant claims not to have seen Harth, but I didn't believe him. As I have stated previously in arbitration cases between these parties, it is not always easy to explain credibility conclusions. I thought Harth's account was believable. He said he stepped to the window and made eye contact with grievant and grievant immediately wheeled around. Grievant admits turning and walking quickly away, but denied having seen Harth. Harth's account, however, explains why grievant acted as he did, but grievant's did not. Grievant's weak attempt at explanation is magnified by the rest of his story.

Grievant walked rapidly away from the clock house because, he said, he was in a hurry to get his children. On two different occasions he said he was going to get a material pass (although apparently he did not say from whom) while at the third step and arbitration hearings he asserted he was merely returning the tips to his tool locker. There are difficulties with this explanation, even aside from the inconsistent stories.
Grievant claimed he walked away so fast because he was in a hurry. He walked back through the 125 foot tunnel and then through the 75 foot wide locker room in order to go to his tool locker, which he said was another block away. If all he wanted to do was stow the tips because he had changed his mind about taking them, the obvious question is why he didn't merely put the tips in his locker room locker. Persons testified that it was not unusual for employees to put supplies in those lockers. And grievant was in a hurry, he said, because he had to pick up his children. Then why walk right by the locker to put the tips someplace else?
I think the answer is obvious. Grievant had started up the stairs and seen Harth. He wheeled around and then heard Harth call to him. He glanced over his shoulder when he entered the locker room and knew Harth was behind him. He kept going because he knew Harth had caught him in the act and he was scared. I don't know whether he kept going because he thought he might lose Harth or because he simply didn't know what else to do, but I think he turned around and went the other way because of Harth's presence in the clock house. In short, I can accept grievant's claim that he was "nervous," but I don't think that condition was prompted by an attack of conscience. Rather, I think it was Harth who caused that condition.
This case differs significantly, then, from the Jones and Laughlin case. There, the employee asserted that he planned to steal copper and even went to far as to hide some of it. However, he claimed that he changed his mind, partly because of fear and partly because he didn't know how to sell it. The employee did not try to remove the material from the plant. Indeed, he had gone home without it. The company then called him in the next day and induced him to sign a confession. The arbitrator believed the employee's story that he had changed his mind about the theft. Thus, the arbitrator asserted that at the time grievant was apprehended, he had no present intent to steal.
The instant case is nothing like that. True, grievant changed his mind out of fear, but the fear was induced by seeing Harth in the clock house. Whatever was true in the Jones and Laughlin case, the arbitrator found that the employee had independently redeemed himself before he made any attempt to take the material out of the plant. The grievant here likewise claims redemption, but his change of heart was not based on conscience or even a generalized sense of fear. Rather, he did not change his mind about stealing until he saw that if he tried it, he would be caught. Had Harth not been in the clock house, I have no doubt that grievant would have walked on through with the tips in his grocery bag.
Like Arbitrator Seibel in Jones and Laughlin, I might be willing to give the benefit of the doubt to an employee who rethinks his plan and changes his mind. But I am not willing to do that when an employee is on his way out of the plant with the stolen goods and then changes his mind only because he knows he'll be caught. The company has a legitimate interest in safeguarding its property. That interest extends to sanctions against those who try to steal, but fail. Perhaps it could not apply sanctions to those who plan a theft and then think better of it. But when its enforcement efforts pay off and a random search discourages an attempt, the individual whose plan was foiled cannot claim the benefit of the company's diligence.
I think Arbitrator Seibel recognized as much in his opinion. He said, for example, that "in order for an employee to be found to have attempted to steal company property, it is not necessary for the company to prove attempted removal of such property from the plant." In my view, it is sufficient for the company to show in this case that, but for the presence of Harth, grievant would have gone ahead with his attempted theft. Since grievant changed his mind only after seeing Harth, I think the company has proven its case. <FN 2>
It does not necessarily follow that discharge is the appropriate penalty to exact in every case of attempted theft. For example, in Inland Award 848 I found that the grievant had tried to steal a 55 cent snack cake, but nonetheless decided that this action did not warrant discharge. The instant case is different in at least two respects. First, the material in question here was of significantly more value. Unlike the snack cake case, grievant here attempted to steal material worth $1200, a substantial amount by any measure. Second, and of at least equal importance, are the circumstances of this theft.
In Award 848, the front had been broken off a vending machine. I found that there was no evidence grievant had done that. I thought it was possible, then, that this employee working on New Year's Eve had decided to steal a snack cake from an already broken machine on impulse. There are no such facts in the instant case and none from which I can give grievant the benefit of the doubt. Grievant went to some trouble to obtain material of significant value. He then sealed the material in a box and hid the box in a bag of clothing in order to carry it out of the plant. This was no impulse. It was, instead, a carefully planned

theft that, but for the chance presence of Harth, might well have worked. The company is entitled to bar from its premises individuals who engage in behavior calculated to deny it the use of its own property.
I feel bad for grievant. He had a well paying job and he made a foolish error. I understand that economic conditions are difficult and that he may not be able to replicate the job he lost. Surely, if he had a chance to live November 27 over again, he would not hide a box of tips in his dirty clothes and try to smuggle them out of the plant. Unfortunately, however, that is what he did. The union has raised for him every conceivable argument, but they cannot change the facts for which grievant alone must answer. I find that he attempted to steal company property and that the company had just cause to discharge him for that offense.
AWARD
The grievance is denied.
/s/ Terry A. Bethel
Terry A. Bethel
February 3, 1992
<FN 1> In his cross examination of Harth, Mr. Robinson estimated that there were about 20 stairs, each about a foot in height. Employee R. Persons, who uses the stairs regularly, said he estimated that the height of the stairs was about equal with the height of the hearing room. Although I did not measure the distance from floor to ceiling, I would estimate that the ceiling is not more than 10 to 12 feet high, if that.
<FN 2> I do not understand the Alcan case to be contrary to this reasoning. In that case, the grievant responded to a company request to return the material. There was no evidence that he tried to remove the tools from the plant and was discouraged by the certainty of getting caught. Thus, although the grievant responded to a company enforcement effort, it was not clear there, as it was in this instant case, that the company's effort would have succeeded in catching him. It was easier, then, for the arbitrator to find that the change of heart was at the employee's own volition, which was not the case in the instant grievance. In any event, to the extent that Alcan holds that an employer cannot discharge an employee for attempted theft unless the employee has actually been caught in the act of trying to remove property from the employer's premises, I disagree with the reasoning and decline to adopt it in the interpretation of the contract between Inland and Local 1010.