

SPECIAL BOARD OF ADJUSTMENT NO. 957

**SOUTHEASTERN PENNSYLVANIA
TRANSPORTATION AUTHORITY**

"AUTHORITY"

VS.

BROTHERHOOD OF MAINTENANCE
OF WAY EMPLOYES

"ORGANIZATION"

AWARD NO. 32

STATEMENT OF CLAIM:

Claim of the Brotherhood (BMW-88-11-F12) that:

The dismissal of Second Class Painter C. Lewis was without just and sufficient cause and was arbitrary and capricious.

REMEDY:

The Claimant shall be reinstated without loss of compensation, including overtime, and without loss of seniority and all those other contractual benefits and privileges the Claimant enjoyed prior to his dismissal.

OPINION OF THE BOARD

At the Board hearing in this matter, held on October 7, 1988, the parties entered into the following consent award:

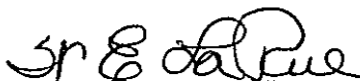
1. The Claimant must return to work with the Authority within 30 days from October 7, 1988, except for medical reasons. Concerning medical reasons, the Claimant's doctor shall contact Dr. Richard Press of the Authority's Medical Department about the Claimant currently taking Trexan.

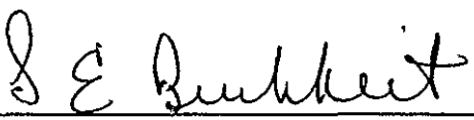
2. Upon reporting for work, Claimant will be given a return to work physical which shall include a body fluids test. In order to be reinstated to his former position, the body fluids test must prove negative. Claimant will be reinstated to his former position upon being cleared by the Authority's Medical Department.

3. Claimant shall be subjected to unannounced testing for six months from the date of his reinstatement. If a test proves positive during this period, he shall be treated as any other employee who has participated in the Employee Assistance Program.

4. Claimant shall not receive back pay for the period since his discharge. The intervening time shall serve as a disciplinary suspension.


R. B. BIRNBRAUER,
Authority Member


W. E. LA RUE,
Organization Member


S. E. BUCHHEIT,
Neutral Member