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REVIEW COMMITTEE DECISION

**FILE: R.C. No. 1 - General Construction Department Grievance No. 196,
Lay-off of H. D. Cassell.**

SUBJECT OF GRIEVANCE:

Mr. Cassell was first hired on July 3, 1951. He resigned on July 15, 1951 and was rehired five days later, but through oversight was not given a physical examination as required by Company. On January 15, 1952 the employee was examined at the request of the Personnel Department and was temporarily rejected for employment by the examining Doctor. The employee was laid off on February 11, 1952 as not meeting Company's health requirements and was placed back on the payroll on February 26, 1952 after being re-examined and passed for employment. Union claimed proper lay-off notice was not given by Company as required under Section 66(a), Article IV, of the Agreement.

STATEMENT AND DECISION:

This grievance was referred on April 22, 1952 for a Personnel Manager's Hearing. At a later date Company and Union agreed that in lieu of holding a hearing the matter would be discussed by the Review Committee established under Title 102 of the Agreement dated September 1, 1952. The Review Committee considered the grievance at meetings held on December 9 and 16, 1952, with the following conclusion:

Section 66(a), Article IV, of the Agreement dated August 1, 1947, does not apply in this case inasmuch as the lay-off of Mr. Cassell was not for reason of lack of work. However, there are extenuating circumstances involved in this grievance, particularly those facts which relate to the confusion resulting from the physical examination procedure, which justify that Mr. Cassell be reimbursed for a portion of the time he was absent from work. In view of such circumstances the Review Committee recommends that Mr. Cassell be paid an allowance equal to five days of pay lost as the result of his lay-off.

FOR UNION:

Ray Michaels
Don Grandstaff
L. L. Mitchell

By: /s/ L. L. Mitchell
Date: 12/31/52

FOR COMPANY:

H. F. Carr
R. J. Tilson
V. J. Thompson

By: /s/ V. J. Thompson
Date: 12-29-52