

**COPY**

**INDUSTRIAL RELATIONS**

741.5

Review Committee File No. 427

San Jose Division Grievance No. 8-20

Decision re the Discharge of R. E. Emerald

May 11, 1965

**MR. H. M. McKNIGHT:**

Reference is made to Mr. Brown's letter of September 25, 1963, to Mr. G. E. Bishop, Chairman, San Jose Division Joint Grievance Committee. A copy of this letter was mailed to you. The letter concerned the disposition reached by the Review Committee in the matter of the discharge of Mr. Emerald.

Taking account of the facts of that incident, it was the decision of the Review Committee that the discharge was improper. On those facts, it was decided that Mr. Emerald would be offered employment in the General Construction Line Department conditioned upon the restriction that he would be ineligible to bid back to the San Jose Division. The decision further provided that the reinstatement would be without back pay. The employee declined this offer.

In withdrawing the grievance from the Review Committee's agenda following the employee's decline of the job offer, the Union offered to dispose of the grievance on the basis that "... this employee's personnel record is corrected to show resignation to seek other employment rather than discharge." In discussing this offer with the Union it was agreed that the incident which was the subject of this grievance would not reflect upon the employee's qualifications or service with the Company.

To give effect then to the agreed-to basis for disposition of the grievance, the Division's notation that the employee is unacceptable for employment should be deleted from the record.

**V. J. THOMPSON**

**LVBrown:RS**

bcc: Mr. L. L. Mitchell