BEFORE THE ARBITRATOR

In the Matter of the Arbitration of a Dispute Between	
DISTRICT COUNCIL 48, AFSCME, AFL-CIO, and its affiliated LOCAL 366,	Case: 237 No: 44169
and	MA-6190
MILWAUKEE METROPOLITAN SEWERAGE DISTRICT	

Appearances:

Mr. Alvin R. Ugent, Podell, Ugent & Cross, S.C., Attorneys at Law, 611 N. Broadway Street, Suite 200, Milwaukee, WI 53202-5004, appearing on behalf of District Council 48, AFSCME, AFL-CIO, and its affiliated Local 366.

Mr. Patrick Halligan, Senior Staff Attorney, Milwaukee Metropolitan Sewerage District, 260 West Seeboth Street, P.O. Box 3049, Milwaukee, WI 53201-3049, appearing on behalf of Milwaukee Metropolitan Sewerage District.

ARBITRATION AWARD

District Council 48, AFSCME, AFL-CIO, and its affiliated Local 366 (hereinafter Union), and the Milwaukee Metropolitan Sewerage District (hereinafter District) have been parties to a collective bargaining agreement at all times relevant to this matter. Said agreement provides for arbitration of unresolved matters involving the interpretation, application or enforcement of the terms of said agreement by an arbitrator appointed from the staff of the Wisconsin Employment Relations Commission (hereinafter Commission). On June 11, 1990, the Union filed with the Commission a request to initiate grievance arbitration. Said request was concurred with by the District on July 27, 1990. On August 7, 1990, the Commission appointed James W. Engmann, a member of its staff, as the impartial arbitrator in this matter. Hearing in this matter was scheduled for October 10, 1990, on which day the parties attempted to resolve the matter through mediation. The tentative agreement reached that day was not ratified by the parties. A hearing was held on January 23, 1991, in Wauwatosa, Wisconsin, at which time the parties were afforded the opportunity to present evidence and to make arguments as they wished. The hearing was transcribed, a copy of which was received on February 26, 1991. The parties submitted briefs, the last of which was received on April 15, 1999, and they waived the filing of reply briefs. Full consideration has been given to the evidence and arguments of the parties in reaching this decision.

STATEMENT OF FACTS

In 1982 Gary Schuyler (hereinafter Grievant) began work at the Milwaukee Metropolitan Sewerage District (hereinafter District). Prior to 1989 he was a good employe with good work and attendance records. In the summer of 1989 the Grievant entered DePaul Hospital for treatment of alcoholism. On August 18, 1989, the District met with the Grievant and advised him that he had been absent from work 32 days up to that point in 1989, that such a level of absenteeism would no longer be tolerated, and that failure to significantly improve his attendance would subject him to discipline, up to and including discharge. The District also advised the Grievant to follow all after care recommendations of DePaul Hospital.

The Grievant was absent from work from September 8 through September 15, 1989. The District held an investigatory interview on September 19, 1989, at which time the Grievant stated that he had been drinking on Friday, September 8, and Monday through Wednesday, September 11-13, and that he entered St. Francis Hospital on September 13, 1989, for stomach pains due to alcohol consumption.

On September 25, 1989, the District issued a Written Warning Notice to the Grievant. Said Notice stated in relevant part as follows:

Nature of Offense and Expected Behavior

NATURE OF OFFENSE: Excessive absenteeism and abuse of sick leave

Since January 1, 1989, you have been absent 38 days for a total of 304 hours. One month ago, on August 18, 1989, a meeting was held with you following your release from DePaul Hospital for alcoholism treatment. At that time, you were advised to follow all after care recommendations and were told that the

level of absenteeism you had exhibited since the beginning of the year would no longer be tolerated. (At that point, you had missed a total of 32 days.) You were advised that failure to significantly improve your attendance would subject you to discipline, up to and including discharge.

Since August 18, 1989, you have been absent an additional six (6) days, from September 8, 1989 through September 15, 1989. An investigatory hearing was held on September 19, 1989. You were asked to account for your absence during this period. You indicated that you had entered St. Francis Hospital on September 13, 1989, due to stomach pains from alcohol consumption. You said you had been drinking on Friday, September 8, 1989, Monday, September 11 (through) Wednesday, September 13, 1989. This is abuse of your sick leave and considered a major offense under District Work Rules. District Work Rules also state that employees chronically absent or repeatedly ill demonstrate that they are unavailable for full-time employment. If counseling is unsuccessful in producing regular attendance over a reasonable period of time, the employee will be separated from service.

Your continued use of alcohol has affected your ability to fulfill the responsibilities of a full-time employee. It has adversely affected department operations.

EXPECTED BEHAVIOR

You are directed to do the following:

1.Contact the Employee Assistance Program immediately . . . .

2.Follow whatever treatment program is prescribed by Family Services.

3.Sign the necessary release so . . . I have access to information about your treatment and progress.

4.You will be placed on an attendance maintenance program for the next six months during which time you are to have no more than four (4) days absence, which you may be asked to verify with a doctor's excuse.

5.If you find it necessary to be absent because of a legitimate illness, you are to telephone your immediate supervisor before the start of the scheduled work day and speak to him personally, explaining the nature of your illness.

If you do not abide by the above, you will be subject to more severe disciplinary action, up to and including discharge.

Said Notice was signed by the Grievant's immediate supervisor, Frank Stanaszek (hereinafter Supervisor).

From September 25 through November 28, 1989, the Grievant was absent 44.1 hours. The Grievant was placed on payroll deduction effective November 27, 1989, pending the District's review of the Grievant's situation. On December 5, 1989, the Supervisor issued a Suspension Notice to the Grievant. Said Notice said in relevant part as follows:

> You are hereby suspended (without pay) effective at 7:00 A.M. on Monday, November 27, 1989 for five (5) working days. You are to return to work on December 6, 1989. A repetition of this or another offense may result in further disciplinary action, up to and including discharge.
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> Notice of Offense and Expected Behavior
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> NATURE OF OFFENSE: Excessive absenteeism.
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> On September 25, 1989, you were given a written warning concerning excessive absenteeism and you were warned that if you had more than four days absence in the next six months you would be subject to further discipline.
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> During the period September 25, 1989 through November 28, 1989, you have accumulated 44.1 hours of absence.
>
> EXPECTED BEHAVIOR:
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> You are expected to have no more than four days absence in the next six months (December 6, 1989 through June 6, 1990).

You have been on payroll deduction since November 27, 1989 pending management review of your situation. Your suspension will be considered as served during the week of November 27 through December 1, 1989. The purpose of this suspension is to assist you in correcting this problem. A repetition of this or another offense may result in further disciplinary action up to and including discharge.

You will report to work on December 6, 1989.

The Grievant neither called in nor reported to work on December 26, 1989. He was absent on December 27 and 28, 1989, and on January 2, 1990. On January 3, 1990, the Supervisor suspended the Grievant for ten days. The Suspension Notice stated in relevant part as follows:

> You are hereby suspended (without pay) effective at 7:00 A.M. on Wednesday, January 3, 1990 for ten (10) working days. You are to return to work on Wednesday, January 17, 1990. A repetition of this or another offense may result in further disciplinary action, up to and including discharge.
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> Nature of Offense and Expected Behavior
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> In 1989, you were absent in excess of 372 hours. You have been counselled, have received two written warnings and a five day disciplinary layoff for your poor attendance record. On December 5, 1989 you were placed on a second attendance maintenance program and were advised that you were expected to have no more than four days absence in a six month period (December 6, 1989 through June 6, 1990).
>
> Since then you failed to report to work on December 26, 27, and 28, 1989 and January 2, 1990. You did not call to report your absence on December 26, 1989.
>
> District Work Rules state that employees chronically absent or repeatedly ill demonstrate that they are unavailable for full time employment. If counselling is unsuccessful in producing attendance over a reasonable period of time, the employee will be separated from service (emphasis in original Suspension Notice). Your attendance record over the past year indicates that you are not available for full time employment. Unless dramatic improvement is seen in your attendance record, be advised that your employment with the District will be terminated.
>
> Expected Behavior
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> You will again be placed on an attendance maintenance program. For the next six months you are expected to have no more that four (4) days absence, which you may be asked to verify with a doctor's excuse. If it is necessary to be absent because of a legitimate illness, you are to telephone your supervisor before the start of the scheduled work day and speak with him personally, explaining the nature of your illness.
>
> If at anytime your behavior provides supervision with reason to believe you are operating under the influence of alcohol, or reporting to work suffering from any use of alcohol, you will be referred for a blood test or other appropriate tests. Refusal to submit to a drug/alcohol test will be considered insubordination and will result in discipline.

The Grievant did not return to work on January 17, 1990, nor did he call in to report his absence. The Supervisor attempted to contact the Grievant and, when unsuccessful, he contacted the Grievant's father, an employe of the District. Sometime that morning the Grievant's father went to the Grievant's home and found him severely intoxicated and sick. The father called an ambulance and the Grievant was taken to St. Francis Hospital where his condition was stabilized. Later that day the Grievant was transferred to DePaul Hospital. Sometime that day the Grievant did contact the Supervisor and advise him that he was in DePaul Hospital.

The Grievant did not return to work on January 18 or 19, 1990, nor did he call in to report his absence. On January 22, 1990, the Grievant checked out of DePaul Hospital and entered St. John's, a half-way house for alcoholics and addicts. The Grievant did not report to work from January 22, 23 or 24, 1990, nor did he call in. The Grievant did not report to work on January 25, 1990, but during the morning he did leave a message on the Supervisor's phone recorder asking the Supervisor to call him.

The District contacted the Grievant later that day and advised him that an investigatory hearing would be held on January 29, 1990. The District contacted the Grievant on January 26, 1990, to confirm the date of the

investigatory hearing after checking the date with the Grievant's Union representatives. The investigatory hearing was held on January 29, 1990.

On January 31, 1990, the District discharged the Grievant in a letter to the Grievant signed by Director of Operations Stephen P. Graef and Maintenance Manager Harold Stephens. Said letter stated in relevant part as follows:

> On January 3, 1990, you were issued a ten day disciplinary layoff for chronic absenteeism. You had previously been counselled, received several written warnings and a five day disciplinary layoff for the same problem. In 1989 you were absent 396.70 hours (189.4 of these hours were payroll deduct).
>
> . . .
>
> At the investigatory hearing on January 29, 1990, you and your collective bargaining representatives (hereinafter the "union") were provided with the opportunity to offer any mitigating information regarding your continuing absenteeism, failure to report to work following your ten day suspension and failure to call in.
>
> You indicated that you did not return to work because you entered DePaul Hospital on January 17, 1990. You said that you were released on January 22, 1990 whereupon you entered a halfway house for chemically dependents. You indicated that the ongoing support of the halfway house was helpful to you in dealing with your personal problems.
>
> When asked whether you had any excuse for failing to make contact with you supervisor until January 25, 1990, you initially responded by saying that you were occupied with counseling sessions at the halfway house. You further indicated that you "had not been feeling in the best of health". Upon further questioning, however, you admitted that counselling sessions did not take up all of your time and that you had been free to make phone calls from both DePaul and the halfway house. I conclude that you had no excuse for failing to comply with work rules.
>
> . . .
>
> I have given a great deal of consideration to this matter, including your comments at the January 29, 1990 meeting and have reached a conclusion. Despite the District's efforts to work with you and to accommodate your personal difficulties with alcoholism, we have seen no evidence that such efforts have prompted you to alter your behavior and become a reliable employee. Therefore, effective January 29, 1990, your employment with the District will be terminated.

On February 2, 1990, the Grievant filed the grievance in this matter, stating that his employment with the District was terminated without just cause and seeking to made totally whole. The District denied the grievance.

In a letter to the Union dated October 9, 1990, Dr. J. B. Grossberg, DePaul Hospital, wrote in relevant part as follows:

> This letter is a confirmation that (the Grievant) was hospitalized at De Paul Hospital from January 18, 1990, to January 22, 1990, suffering from severe alcohol intoxication. He came in by ambulance from St. Francis Hospital emergency room, where he had been evaluated for his symptoms of severe intoxication as well as acute gastritis. (The Grievant) had to received medication for the length of the his (sic) hospitalization at De Paul and he then was agreeable to go to St. John's Halfway House, understanding that he did not feel stable enough to live by himself again. He then agreed to stay there as long as necessary.
>
> He then made good progress after that and it was obviously the kind of help that he needed. It is hoped that (t)his letter will clarify (the Grievant's) situation.

Additional facts will be included as needed in the Discussion section below.

PERTINENT CONTRACT LANGUAGE

PART III

A. GRIEVANCE AND ARBITRATION PROCEDURE.

. . .

3. Just Cause. Any employee in the bargaining unit who is reduced in status, suspended, removed, or discharged, shall have the right to file a grievance as to the just cause of such disciplinary action.

ISSUE

The parties stipulated to formulation of the issue as follows:

1. Was the discharge for just cause?

2. If not, what is the appropriate remedy?

POSITIONS OF THE PARTIES

A. Union

The Union argues that we are not dealing with an employe who has been guilty of alcohol abuse and has failed to seek treatment or do something about it; that we are dealing with an employe who has admitted to alcohol abuse and has taken positive steps to resolve his problems prior to his discharge; that the District does not recognize alcoholism as a disease; and that the Grievant, except for his disease and related problems, was a good employe, that he had good attendance and that he had a good work attitude.

In addition, the Union asserts that the Grievant was terminated because he failed to report to work or to call in every work day from January 17 to January 25, 1990; that the truth is that he was physically and mentally unable to work or call in from January 17 to January 25, 1990; that if an employe of the District is unable to work because of other diseases, such as heart disease, and the employe cannot call in because of the disease, the employe will not be terminated; that if any employe is off work and cannot call in because of the Grievant's disease of alcoholism, the employe will be terminated; that the District treats the disease of alcoholism much different than it treats all of the other types of diseases that cause absences; that this is clearly not fair; that as soon as the Grievant could, he did call the District; and that, after all, was he expected to call in during the time he was in the hospital with a grand mall seizure?

In conclusion, the Union argues that the District makes no claim that the Grievant used or was under the influence of alcohol at anytime while he was working or at work; that, just the opposite, he stayed away from work when he was having the alcohol problems; that the Grievant sought help for his serious problem before he was discharged; that he had previously received a long suspension; that the suspension did its job; that it told him that the end of his employment, if not his life, was near; that he sought help, that after five days at DePaul, he ended up in the hospital; that he was doing what he could to avoid a discharge; that he called in just as soon as his health permitted; that the District does not have just cause to terminate the Grievant; that the Grievant should be reinstated; that the District should be required to pay all back pay and make the Grievant whole for any losses; that if the Grievant was in the hospital or in a nursing home after surgery and he did not call in, everyone in management would understand and not fire him; and they should not be allowed to fire the Grievant because his alcoholism and other health problems prevented him from working and calling in a timely manner.

B. District

The District argues that there was just cause to discharge to Grievant; that absences were numerous, frequent and chronic for more than a year; that the timing of the absences was harmful; that often the Grievant absented himself at the end of a long off, such as a weekend of holiday; that this is when full maintenance crews are most important; that the Grievant knowingly broke an important rule; that the Grievant does not deny violation of an important rule or the implications under the written contract; that he virtually signed himself off the roster; that he did this when he was on a disciplinary layoff; and that this is an aggravating factor not to be forgotten.

In addition, the District asserts that the District took a patient approach and used progressive discipline; that management witnesses explained their efforts in detail; that they used judgment and discretion, not inflexible rules or formulae; that they were in a position to assess the effort of the employe, or the lack thereof; that they did so and used progressive discipline; that the District has a progressive discipline system; that the District also has an employer paid Employee Assistance Program which was made available to the Grievant; that only when such measures did not work did the managers discharge the Grievant; that, moreover, the managers were sensitive to the complications of alcoholism; and that they did not act abruptly or without reflection.

In conclusion, the District argues that the District had just cause for the decision to discharge the Grievant; that said action was taken only after patient efforts to improve his conduct; and that the arbitrator should deny the grievance.

DISCUSSION

The Union argues that the Grievant sought help for his disease of alcoholism prior to his discharge; that he was physically and mentally unable to return to work or call in from January 17 to 25, 1990; that the Grievant with the disease of alcoholism is being treated differently than employes with other diseases; and that, therefore, the District did not have just cause to terminate the Grievant.

As to the Union's argument that the Grievant sought help for his disease of alcoholism prior to his discharge, the record is not developed as to the circumstances of the Grievant's admission to DePaul Hospital in August 1989. Putting it in the best light, the Grievant sought help for his alcoholism by admitting himself. In any case, it did not take, for the Grievant was using alcohol as early as September 8, 1989. Perhaps he had not come to believe that he was powerless over alcohol. Perhaps his alcoholism had not made his life so unmanageable that he was willing to go to any lengths to deal with his addiction. Or perhaps he did not believe, "Once an alcoholic, always an alcoholic". In any case, he missed work in September 1989 because of his use of alcohol, and the record is devoid of any action the Grievant took after that to seek help for his alcoholism. If the Union is alluding to the Grievant's admission to DePaul in January 1990, the record shows that the Grievant did not seek this help but had it thrust upon him. His father got him to St Francis Hospital. St. Francis Hospital got him to DePaul Hospital. So the Union's argument that the Grievant sought help for his disease has little, if any, merit.

The Union also argues that the Grievant was physically and mentally unable to return to work or call in from January 17 to 25, 1990, and, therefore, the District should not be allowed to terminate him from his job.

The right to terminate an employe for excessive absences, even where they are due to illness, is generally recognized by arbitrators. See How Arbitration Works, Fourth Edition, Elkouri and Elkouri, pages 578-580.

In Cleveland Trencher Co., 48 LA 615, 618 (1967), Arbitrator Edwin R. Teple stated:

> At some point the employer must be able to terminate the services of an employee who is unable to work more than part time, for whatever reason. Efficiency and the ability to compete can hardly be maintained if employees cannot be depended upon to report to work with reasonable regularity. Other arbitrators have so found, and this Arbitrator has upheld terminations in several appropriate cases involving frequent and extended absences due to illness.

In Louisville Water Co., 77 LA 1049, 1052 (1981), Arbitrator Marlin M. Volz stated:

> Illness, injury, or other incapacitation by forces beyond the control of the employee are mitigating circumstances, excuse reasonable periods of absence, and are important factors in determining whether absences are excessive. However, if an employee has demonstrated over a long period of time an inability due to chronic bad health or proneness to injury to maintain an acceptable attendance record, an employer is justified in terminating the relationship, particularly where it has sought through counseling and warnings to obtain an improvement in attendance.

The record is clear that the Grievant was absent from work 372 hours in 1989. The Grievant had received inpatient treatment in DePaul in August. He had been directed to use Family Service for aftercare. He had been told to use the District's Employe Assistance Program. He had been given an oral warning, a written warning, a five day suspension and a ten day suspension. Contrary to the Union's argument, all of this, including the threat of job loss, did not sober up the Grievant. He never worked a day in 1990 before he was discharged on January 29, 1990. The Union's argument that the Grievant could not call in or report to work is the very reason that the District fired him--he could not call in or report to work.

And the District had no reason to believe that this would change. The District had offered assistance and used discipline in an attempt to change the Grievant's behavior, but it did not work. As one recovering alcoholic has written:

> No man should be fired just because he is alcoholic. If he wants to stop, he should be afforded a real chance. If he cannot or does not want to stop, he should be discharged. The exceptions are few.

Alcoholics Anonymous, Third Edition, page 148.

The District did what it could to change the Grievant into an acceptable employe, but to no avail. On the day he was to return to work after a ten day suspension, the Grievant was too drunk to report to work or to call in sick, so ill he had to be taken to the hospital. As one recovering alcoholic wrote:

> Either you are dealing with a man who can and will get well or you are not. If not, why waste time with him? This may seem severe, but it is usually the best course.

Alcoholics Anonymous at page 142.

In January 1990, the District was not dealing with a man who could or would get well. They were dealing with a man who was choosing alcohol over job. The District decided not to waste any more time on the Grievant, a decision that was appropriate under the circumstances.

The Union also argues that the Grievant is being treated differently than employes with other diseases. While the District witness testified that the Grievant would not have been disciplined if he had been unable to call in or work because he had a heart attack, that is understandable since a heart attack would have been a different cause from his previous absences. Under such a scenario, the District would have been able to see an end to the absenteeism when the employe's health returned. The District would have been able to schedule, knowing when the heart attack patient would be absent. But here, we had the same old thing--the Grievant was into his disease again, with no end in sight. The District had no way of knowing if the Grievant would ever get better, or even if the Grievant would show up to work on any particular day. Thus, the record does not show that the District discriminated against the Grievant or the Grievant's disease.

Yet, in some ways the disease of alcoholism is different than other diseases, because denial is a major part of the disease and because recovery requires the action of the alcoholic.

In terms of denial, Bill W., a co-founder of Alcoholics Anonymous, wrote:

> Most of us have been unwilling to admit we were real alcoholics. No person likes to think he is bodily and mentally different from his fellows. Therefore, it is not surprising that our drinking careers have been characterized by countless vain attempts to prove we could drink like other people. The idea that somehow, someday he will control and enjoy his drinking is the great obsession of every abnormal drinker. The persistence of this illusion is astonishing. Many pursue it into the gates of insanity or death.
>
> We learned that we had to fully concede to ourselves that we were alcoholics. This is the first step in recovery. The delusion that we are like other people, or presently may be, has to be smashed.
>
> We alcoholics are men and women who have lost the ability to control our drinking. We know that no real alcoholic ever recovers control. All of us felt at times that we were regaining control, but such intervals--usually brief--were inevitably followed by still less control, which led in time to pitiful and incomprehensible demoralization. We are convinced to a man that alcoholics of our type are in the grip of a progressive illness. Over any considerable period we get worse, never better.

Alcoholics Anonymous at page 30.

Tough words. But then the disease of alcoholism is a tough disease: cunning, baffling, powerful. Without help, it is too much for most alcoholics. But there is help. Hospitals such as DePaul provide inpatient treatment for alcoholism. Employee Assistance Programs direct employes to a myriad of agencies for intervention and groups for support. Organizations such as Family Services provide outpatient counseling for alcoholics. Many alcoholics find help in Alcoholics Anonymous and its twelve step program of recovery.

But the twelve steps of AA are not a pill in the mouth or a shot in the arm given by a doctor to a passive patient to cure some diseases. Nor are they a cast on the leg that a doctor places on the patient to allow the body to heal from some injuries. In some ways, the twelve steps of AA are analogous to the process of physical therapy, for the work is done by the patient, supported by the therapist.

In terms of that work, the action that alcoholics have to take to recover from the disease, Bill W. wrote as follows:

> Here are the steps we took, which are suggested as a program of recovery:

1.We admitted we were powerless over alcohol--that our lives had

become unmanageable.

2. Came to believe that a Power greater than ourselves could restore us to sanity.

3. Made a decision to turn our will and our lives over to the care of God as we understood Him.

4. Made a searching and fearless moral inventory of ourselves.

5. Admitted to God, to ourselves, and to another human being the exact nature of our wrongs.

6. Were entirely ready to have God remove all these defects of character.

7. Humbly asked Him to remove our shortcomings.

8. Made a list of all persons we had harmed, and became willing to make amends to them all.

9. Made direct amends to such people wherever possible, except when to do so would injure them or others.

10. Continued to take personal inventory and when we were wrong promptly admitted it.

11. Sought through prayer and meditation to improve our conscious contact with God as we understood Him, praying only for knowledge of His will for us and the power to carry that out.

12. Having had a spiritual awakening as the result of these steps, we tried to carry this message to alcoholics, and to practice these principles in all our affairs.

Alcoholics Anonymous at pages 59-60.

That's quite an order. But, according to Bill W., one does need to do it perfectly if one wishes to recover from the disease of alcoholism, as long as one is willing to grow and progress along these lines. From September 1989 through January 1990, the Grievant was not willing to take the action necessary to keep him sober one day at a time. That is unfortunate, because prior to that time he had been a good worker at a good job. But he no longer was a good employe. So what was the District to do? One recovering alcoholic would have advised the District as follows:

> If you are sure your man does not want to stop, he may as well be discharged, the sooner the better. You are not doing him a favor by keeping him on. It may be just the jolt he needs. I know, in my own particular case, that nothing my company could have done would have stopped me for, so long as I was able to hold my position, I could not possibly realize how serious my situation was. Had they fired me first, and had they then taken steps to see that I was presented with the solution contained in this book, I might have returned to them six months later, a well man.

Alcoholics Anonymous at page 141.

It is easy to feel sorry for the alcoholic, caught in the clutches of a dangerous and easily obtainable and socially acceptable drug. That is especially true in this case where the Grievant appears to be a competent and likeable young man. But the alcoholic does not need our sympathy; he needs straight talk. Nor does he need to experience anything less than the natural consequences of his actions.

At hearing the Grievant testified that he is following the AA's twelve step program of recovery, that with the exception of a two day slip (which he followed up with intensive counseling), he has been sober since January 1990. Every person involved in this case is happy about that.

But the Grievant's sobriety came too late for him to save this job; hopefully, it came in time to save his life. He will come by and keep another job, providing he remains sober. And if he continues to work the twelve steps of AA, he will know a new freedom and a new happiness. He will not regret the past, not even the loss of this job, nor will he wish to shut the door on it. Instead, he will comprehend the word "serenity" and he will know peace. In fact, his whole attitude and outlook upon life will change. Eventually, he will receive a daily reprieve from the disease of alcoholism. If, however, because of this Award, hia job or lack of job, or whatever, the Grievant decides to abandon his recovery, to seek an easier, softer way than the twelve steps, the experience of this arbitrator is that the insanity of alcohol will return and he will drink again. And, with alcoholics, to drink is to die.

In sum, prior to January 1990, the Grievant had been involved in inpatient treatment for alcoholism at least twice, the first time in 1979 and the last time in August 1989. He had the opportunity to seek help through the District's Employee Assistance Program. Outpatient counseling was available to him through Family Service. He was aware of AA and its twelve step program of recovery. But whether he only went to half measures in his attempt to recover from this disease or whether he did not possess the necessary self-honesty that many recovering alcoholics believe is necessary to stay sober, he continued to use and abuse and to act out his addiction to alcohol. From August 1989 to January 1990, the Grievant was given a oral warning, a written warning, a five-day suspension and a ten-day suspension. He was warned and he was disciplined and

he was aware that his job was on the line. He knew that if he continued to drink he would be terminated. He continued to drink. He was terminated. And the District had just cause to do so.

For the reasons stated above, I issue the following

AWARD

1. That the discharge of the Grievant was for just cause.

2. That the grievance is hereby denied and dismissed.

Dated at Madison, Wisconsin, this 19th day of June, 1991.

_____
James W. Engmann, Arbitrator

JWE/sh
H2115H.12