



### FINDINGS OF FACT

1. The Complainant, Jose Santiago, (hereinafter "Santiago"), was born in Puerto Rico. (N.T. 51).
2. Santiago was hired in 1999 by the Respondent, Temple University Hospital, (hereinafter "Hospital"). (N.T. 175).
3. In 2006, Santiago worked in the Hospital's Environmental Services Department performing housekeeping duties in the operating room. (N.T. 51).
4. Hospital employees are union members. (N.T. 79, 80).
5. Santiago was supervised by Delores Campbell who reported to Robert Hoger, the Assistant Director of Environmental Services. (N.T. 126,130,134).
6. Prior to October 3, 2004, the Hospital's work rules each carried a starting penalty for an employee's violation of a rule. (N.T. 151-152, 187).
7. On October 3, 2004, new work rules became effective establishing a set progressive discipline scheme for violations of rules except for the violation of an immediate discharge offense. (N.T. 103-104, 118, 163, 186-187, 197, 208, 294; RE 5).
8. Under the new rules, certain rule violations rise to the level of immediate termination. (N.T. 186-187, 197, 208, 294).
9. In August 2000, Santiago was terminated for yelling at and threatening a supervisor. (N. T. 154, 156, 191-192, 193, 290).

\* To the extent that the Opinion which follows recites facts in addition to those here listed, such facts shall be considered to be additional Findings of Facts. The following abbreviations will be utilized throughout these findings of Fact for reference purposes:

N.T.	Notes of Testimony
C.E.	Complainant's Exhibit
R.E.	Respondent's Exhibit
G.D.	Green Deposition
G.D.E.	Green Deposition Exhibit

10. Following Santiago's termination, the Union requested the Hospital to return Santiago to work in exchange for a "last chance agreement". (N. T. 290-292).
11. In effect, the last chance agreement acknowledged that if Santiago ever threatened another employee or was ever involved in behavior similar to the behavior that led to his termination, such an offense would be considered an immediate termination offense. (N. T. 193).
12. The Hospital agreed to allow Santiago to return to work in exchange for the last chance agreement. (N.T. 290).
13. Absent the Hospital agreeing, the Union was not prepared to challenge Santiago's termination through arbitration. (N. T. 193).
14. The Union was prepared to allow Santiago's termination to stand. (N. T. 193).
15. On November 27, 2001, Santiago received a three day suspension for disorderly conduct. (N.T. 156).
16. On October 14, 2002, Santiago received another three day suspension after he left work without permission. (N. T. 62, 64, 163).
17. Santiago was informed he was mandated to work overtime but Santiago left without working the mandated period. (N. T. 62-64, 65-66).
18. In May 2004, Santiago was again suspended for three days after, in the workplace, he engaged in a dispute with Maria Cruz, the Mother of his children, also a Hospital employee. (N.T. 60, 61, 307).
19. The Temple police were called and reported that Santiago had been verbally threatening, and abusive and that Maria Cruz was cowering away from Santiago. (N.T. 72, 211, 212; RE 9).
20. A restraining order was issued and Santiago was required by the City of Philadelphia to attend anger management training. (N.T. 231, 307).