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DISMISSED LEXTRAN DRIVER TO RETURN TO WORK MONDAY *THOMAS TOLLIVER, HERALD-LEADER STAFF WRITER*

A former LexTran bus driver who last month won \$215,000 in a wrongful-discharge lawsuit against the company will return to work Monday after five years. Boyce Works, 58, had been a driver for LexTran for 20 years when a job-related injury caused him to leave work Oct. 15, 1990. He had developed a shoulder and elbow injury from his years behind the wheel. In March 1994, Works notified LexTran general manager Stephen Rowland that he had been released to return to work. But Rowland, in a letter dated March 8, 1994, notified Works that his employment and seniority with LexTran were terminated.

In July 1994, after Works had filed suit, LexTran invited him to reapply but when he did, he was denied employment because he refused to drop his lawsuit.

After a two-day trial that ended Sept. 6, the jury awarded \$33,283 to Works in lost wages and \$107,000 to compensate for embarrassment and humiliation. It also gave him \$75,000 in punitive damages.

LexTran will appeal the verdict as well as Judge Rebecca Overstreet's order earlier this week that Works be reinstated.

"There's an appealable issue concerning the definition of retaliation under the workers' compensation law," LexTran board attorney Terry Holmes said yesterday.

Although Judge Rebecca Overstreet ordered Works reinstated at an hourly wage of \$11.52, he will earn considerably less. LexTran board attorney Terry Holmes said that LexTran decided to rehire Works and pay him \$5 an hour, the normal training wage. After he gets his commercial drivers license, his salary will go to \$7.49. This license was not required when

Works last worked for LexTran.

Overstreet yesterday denied LexTran's motion for a new trial and ordered LexTran to pay Works' attorney fees. LexTran had maintained that attorney **Robert Abell**'s fees were excessive. Abell had submitted a bill of \$15,466 plus \$495 in other costs.



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