

PUBLIC LAW BOARD NO. 1582

PARTIES) ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY
TO)
DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM:

1. Carrier's decision to remove former Los Angeles Division Trackman I. A. Valadez from service, effective August 13, 1986, was unjust.
2. Accordingly, Carrier should be required to reinstate Claimant Valadez to service with his seniority rights unimpaired and compensate him for all wages lost from August 13, 1986.

FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute the claimant was notified to attend a formal investigation on September 4, 1986 in San Bernardino, California to determine the facts and place the responsibility, if any, in connection with his involvement in violation of Rules 2 and 6 of the General Rules for the Guidance of Employees, 1978, Form 2626 Std.

Rule 2 requires that employees be conversant and obey the Company's rules and special instructions. Rule 6 forbids the use of alcoholic beverages, intoxicants, narcotics, marijuana and other controlled substances by employees subject to duty or their possession or use while on duty.

Roadmaster W. W. Cote testified that on Wednesday, August 13, 1986 he was called into the Superintendent's office about 8:00 a.m. by the Superintendent's Clerk to take a phone call that she received from a young woman. He testified that the young woman informed him that the claimant was on his way to work under the influence of drugs.

Roadmaster Cote testified that he went out and talked to the claimant and inquired if he would be willing to submit to an alcohol drug test, and about 11:00 a.m. the claimant agreed to go and take the test. This witness further testified that they went to the San Bernardino Industrial Medical Clinic on Mill Street in San Bernardino about 12:18 p.m.

Roadmaster Cote then testified that the claimant signed authorization for the test to be performed, and the results established that PCP was detected and confirmed and that cocaine was detected

and confirmed at the time of the test. The analysis test was introduced into evidence.

The claimant admitted that he had used cocaine or PCP. He also stated that he had used some before he came to work for the Carrier.

Under the circumstances there is no justification to set the discipline aside.

AWARD: Claim denied.


Preston J. Moore, Chairman


Union Member

*Dated at Chicago, Ill.
August 31, 1987*


Carrier Member