

Case No. 310 Award No. 310

STATEMENT OF CLAIM:

The hearing held on this matter was once postponed and, when held, did not include the Claimant although he had been properly notified. In any event, while we do not like to review the transcripts of hearings

at which the person mainly concerned was not present, the Claimant's absence was of his choice. Moreover, the record shows that he was well-represented at the hearing by the Organization.

These are difficult cases for all concerned, particularly for the Organization. It has forcefully and with skill advanced its many concerns with respect to the application of the Carrier's Drug Policy. The Board has carefully considered these contentions and, while we understand the points raised by the Organization and while we do recognize that they are not without merit, we conclude that the claim must be denied.


Railroad work is dangerous. The safety of the Carrier's workforce, as well as the public, requires positive measures to ensure that the inherent dangers are minimized. In furtherance of these efforts, the Carrier initiated a drug testing program which it announced to each of its employees, as noted earlier. The substance of the Carrier's program, as well as ones like it used by other Carriers, has been upheld by numerous arbitral Awards. Given the established facts of this case, we have no basis to arrive at an Award that runs counter to these many Awards. In the instant case, the Claimant was put on notice and, in effect, he was provided another opportunity to retain his employment. The consequences of his failure to comply with the Carrier's direction were of his choice.

AWARD

The claim is denied.


F. J. Domzalski
Carrier Member


Eckehard Muessig
Neutral Member


J. P. Cassese
Employee Member

Dated: August 31, 1989