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DATA SOURCES:

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The Board has carefully considered these contentions. We understand the points raised by the Organization and do recognize that they are not without merit in certain situations. However, the record here shows that the Carrier employed a highly reputable testing facility, which used the latest techniques and procedures to assure the accuracy of its tests. Therefore, it is established that the test result is a "medical fact" as distinguished from a "medical opinion". Accordingly, the failure to have a medical person present at the hearing for cross-examination does not fatally flaw the fairness of the proceedings.


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


Ekehard Muessig
Neutral Member


J. P. Cassese
Employee Member

Dated: 6-4-90