

PUBLIC LAW BOARD NO. 4262

Parties
to the
Dispute

AMTRAK SERVICE WORKERS COUNCIL

vs.

NATIONAL RAILROAD PASSENGER CORPORATION

Case No. 44

STATEMENT OF CLAIM

D-1833

The Organization seeks the reinstatement of Train Attendant Gary F. Chambers, who was dismissed on September 25, 1986.

OPINION OF THE BOARD

By letter dated September 15, 1986, Claimant Gary F. Chambers was directed to appear for an investigation into his alleged violation of Rules A and G of the Rules of Conduct. Specifically, it was alleged that

While assigned as Train Attendant at the New York Crew Base, September 11, 1986, you failed to comply with stipulations of Rule "G" Waiver which you signed on April 8, 1986.

Under the Waiver, Claimant had agreed to enroll in an Amtrak Employee Assistance Program and, among other things, submit to and pass a test for drugs by urine sample each calendar quarter for a period of

two years. In a urinalysis test conducted on September 11, 1986, Claimant allegedly tested positive for cocaine and marijuana.

Following the investigation, the charges were sustained and Claimant was terminated from service.

The Organization maintained that the Rule G Waiver was ambiguous and not approved by the Organization. Further, the positive urinalysis test results were neither accurate nor valid and Claimant should have been given a copy of the test results.

This Board has reviewed the entire record of this case, including the transcript of the investigation. The Board finds ample basis in the facts of this case for sustaining the discipline imposed. Claimant had been cited for prior instances of intoxication and returned to work on a leniency basis. Traces of drugs were found as the result of a properly administered drug screen, after Claimant had been enrolled in an Employee Assistance Program. At the same time, we find no evidence that Claimant requested the test results.

Given Claimant's most recent behavior and his past record, the discipline imposed was appropriate.

AWARD

Claim denied.

C. H. Gold

C. H. Gold, Neutral Chairman

J. Cruchman
J. Cruchman, Employee Member

W. O. Cole
W. O. Cole, Carrier Member

NOVEMBER 25, 1987
Date of Adoption