

PUBLIC LAW BOARD NO. 1850

Award No. 23

Docket No. 72

BMWE File CRRG-1808

Carrier File 2-MG-2033

Parties Brotherhood of Maintenance of Way Employees
to and
Dispute The Baltimore and Ohio Railroad Company

Statement of Claim
Claim filed on behalf of Central Region Rail Gang Foreman Clarence E. Taylor for restoration of his seniority unimpaired and reimbursement for all time lost at the applicable rate of pay as a result of the discipline of dismissal administered to Mr. Taylor following hearing held on October 11, 1977, where it was found that he was under the influence of intoxicants while on duty at approximately 8:30 a.m. on September 22, 1977, about one mile west of Ravenna, Ohio.

Findings The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated October 27, 1976, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

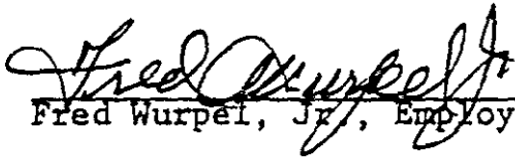
There is no factual dispute between the parties. Claimant was dismissed after being accorded a proper hearing in connection with a violation of Rule "G". There is no question but that the record supports the Carrier's conclusion as to Claimant's guilt.

It was clear at the hearing and our subsequent investigation

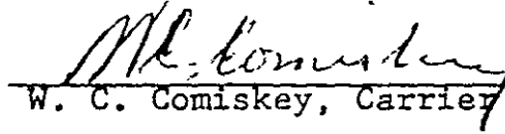
of the case that Claimant has a drinking problem. However, Claimant has now recognized and admitted that he is an alcoholic. He has attempted to enter the AA program. The Board recognizes that there is no connection between the formal discipline system and Carrier's enlightened and progressive establishment of an Employee Assistance Program which assists in salvaging and protecting their investment in an employee. A keystone step to the success of any such program is that a participant receive encouragement as to its purpose and the need to successfully complete same.

The Board will conditionally reinstate Claimant without pay providing that he first enters an AA Program, or the Company Employee Assistance Program and that he produce a statement from the Supervisor of either Program that Claimant has been abstinent for a protracted period of time and that he can safely assume his duties as a Trackman. Concurrent therewith, Claimant's seniority will be given him and if during the subsequent six month period he exhibits no further drinking problem his Track Foreman rights will be also reinstated.


Award	Claim disposed of as per findings.
Order	Carrier is directed to make this Award effective within thirty (30) days of date of issuance shown below.



Fred Wurpel, Jr., Employee Member



W. C. Comiskey, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued at Salem, New Jersey, April 15, 1980.