

Case No. 311 Award No. 311

STATEMENT OF CLAIM:

FINDINGS: Subsequent to an investigation, the Claimant was found guilty of violating the Carrier's Drug Testing Policy when he failed to comply with the Carrier's instruction of April 19, 1987 to provide a negative drug screen within 45 days.

An employee whose first test is positive will be offered the opportunity for an evaluation by Conrail's Employee Counseling Service.

- If the evaluation reveals no addiction problem, in order to be returned to service a negative drug test must be provided within a 45-day period beginning with the date of the letter notifying the employee of his/her being withheld from service.
- If the evaluation indicates an addiction problem and the employee enters an approved treatment program, the employee will be returned to service upon recommendation of the treatment program and the Conrail Employee Counseling Service and must provide a negative drug test within 125-days.

of the date of the initial positive test. This time period can be extended by Health Services when warranted.

- An employee who fails to comply with the recommended treatment plan will be required to provide a negative drug test within the 45-day or 125-day time period referred to above, whichever is less, in order to be returned to service.

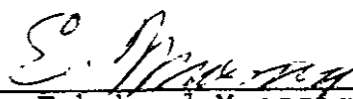
The evidence in the case at issue shows that the Claimant received a letter, dated April 9, 1987, from the Carrier which instructed him to rid his system of Cannabinoid and to provide a negative urine sample within 45 days of the date of that letter. The Claimant then took another drug screen test on May 22, 1987 which tested positive for Cannabinoid. Following an investigation, the information furnished by this test triggered the Claimant's dismissal.


We have carefully considered the well-argued and forceful contentions of the Organization before this Board. However, the Organization's advocacy cannot overcome the established facts when these are considered under the Carrier's Drug Policy, a policy not unlike others which now have been upheld by numerous Awards. Under the circumstances, we have no proper basis to set this matter aside.

AWARD

The claim is denied.


F. J. Domzalski
Carrier Member


Eckehard Muessig
Neutral Member


J. P. Cassese
Employee Member

Dated: August 31, 1989