

Case No. 313 Award No. 313

STATEMENT OF CLAIM:

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. In this case, among other protestations, it strongly objects that, while medical evidence was submitted into the record, medical personnel were not produced for cross-examination or corroboration of the medical documentation used by the Carrier. The Board has carefully considered

these contentions and, while we understand the points raised by the Organization and recognize that they are not without merit under certain situations, we conclude that the claim must be denied.

The medical fact relevant in this case was the urine content. It was objective data produced by qualified persons following recognized procedures by a reputable or recognized laboratory. Under these circumstances, the medical evidence is sufficient for the Carrier to meet its burden of proof and the Carrier's medical consultant was not necessary as a witness at the trial.

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. 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


Eckenhard Muessig
Neutral Member


J. P. Cassese
Employee Member

Dated: Jan. 8, 1980