

PUBLIC LAW BOARD NO. 3514

Case No. 485 Award No. 485

PARTIES Brotherhood of Maintenance of Way Employees
to -and-
DISPUTE: Consolidated Rail Corporation

STATEMENT OF CLAIM:

Appeal of Machine Operator, Gary A. Kaczala, to have his discipline of dismissal set aside.


FINDINGS: The central issues in this case are concerned with the applications of the Carrier's Drug Testing Policy. On February 20, 1987, the Carrier's Chairman and Chief Executive Officer sent a letter to each employee in which he explained the Carrier's concern for safety and how the use of illegal drugs by employees impaired its operations and, threatened the safety of the public. A summary of its Drug Policy was attached to each of these letters.

A key feature of the Drug Policy provides the employee with an option for an evaluation by the Carrier's Employee Counseling Service. If this evaluation shows that the employee does not have an addiction problem, the employee must provide a negative drug test within forty-five (45) days. In those cases where the evaluation indicates an addiction problem and the employee enters an approved treatment program, he may be returned to service upon appropriate recommendation and he must provide a negative test within 125 days of the date of the initial positive test.

The record shows that the Claimant had been put on notice to keep his system free of all prohibited drugs. However, because his urine sample tested positive for cannabinoid, he was separated from the service.

AWARD

The claim is denied.


F. J. Domzalski
Carrier Member

Eckehard Muessig
Neutral Member

J. P. Cassese
J. P. Cassese
Employee Member

Dated: Sept. 24, 1991