

PUBLIC LAW BOARD NO. 3765.

Parties
to the
Dispute

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

vs.

GRAND TRUNK WESTERN RAILROAD COMPANY

Case No. 26

STATEMENT OF CLAIM

The Carrier violated the Agreement when it improperly withheld Trackman R. Pippin from service from February 17, 1986 through April 28, 1986.

Claimant Pippin shall be allowed eight (8) hours of pay at his \$11.49 per hour rate of pay for each of the workdays during the claim period set forth in Part (1) hereof because of the violation referred to therein.

OPINION OF THE BOARD

Claimant R. Pippin was employed by Carrier as a Trackman at Milwaukee Junction. On January 14, 1986, he suffered an on-duty injury. As a result of the injury, he was placed on light duty and ultimately was subject to a physical examination where a part of the examination was a urine drug screen. Claimant showed positive for drugs and was told he would be out of service until he could produce

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a drug-free urine sample. Claimant eventually proved to be drug free on April 29, 1986, and was returned to work on April 30, 1986.

A claim was filed alleging that Carrier had no right to test Claimant for drugs because he had not been out of service for three months or more. Such a time limit was mandated by Company policy.

Carrier responded by stating that Claimant had been acting strangely and that there was some concern that he might be using drugs. On that basis, a drug test was included as part of his physical examination.

This Board has reviewed the record and is compelled to conclude that Carrier had a right to test Claimant for drugs. When it found Claimant to test positive for drugs, it had the right to hold him out of service until he was clean. Claimant controlled his own destiny in that regard. Carrier agreed to put him back to work as soon as he produced a negative test. It did so on April 30, 1986. Petitioner has no valid claim in this instance.

AWARD

The claim is denied.


R. E. Dennis, Neutral Member


Jo. A. DeRoche, Carrier Member


W. E. LaRue, Employee Member

3-8-90
Date of Adoption