

**PUBLIC LAW BOARD NO. 7163
CASE NO. 611
AWARD NO. 611**

**Brotherhood of Maintenance of Way Employes Division) of
the International Brotherhood of Teamsters)
and)) **Arbitration Decision
CSX Transportation, Inc.) and Award
Carrier File: 22-74839)
BMWE File: DRA 306522)****

I. STATEMENT OF THE CLAIM

“Claim of the System Committee of the Brotherhood that:

1. The Carrier’s discipline (dismissal) of Mr. S. Harriott, by letter dated August 9, 2022, in connection with allegations that he violated CSX Operating Rules 103.1.3, 104.1.1, 104.3.3, 106.1, 106.3(B)(C)&(D) and the CSX Code of Ethics Policy was on the basis of unproven charges, arbitrary, capricious, unnecessary and excessive (System File DRA 306522/22-74839 CSX).

2. As a consequence of the violation referred to in Part 1 above, the Claimant shall now ‘... be put back to work immediately. Mr. Harriot should be exonerated from these charges. The Organization further requests as a remedy for the inappropriate discipline that the Carrier clear all mention of the matter from Claimant’s personnel record, immediately return Claimant’s rights and benefits unimpaired and compensate him for all loss suffered. This loss includes, but is not limited to, any straight time, overtime, double-time or other Carrier provided compensation lost because of the improper discipline. It also includes healthcare, credit rating, investment, banking, mortgage/rent or other financial loss suffered, to include railroad retirement accruement (service

months and contributions lost) because of the improper discipline.' (Employes' Exhibit 'A-2')."

II. FACTS

The Claimant, S. Harriott, was a 17-year employee with Carrier at the time of his discharge. He had been working as a track inspector with no history of discipline.

On May 31, 2022, at approximately 13:45 hours, Track Supervisor S. Baer received a call advising that a high-rail truck had been sitting on the track on the Augusta Subdivision for an extended period of time. The truck was assigned to the Claimant. Upon arrival at the location to investigate, Mr. Baer found the truck unoccupied and unlocked with the motor running. The Claimant was not in the vicinity. Mr. Baer contacted Mr. Skinner for assistance, who arrived at the scene shortly thereafter. Inside the truck, the two men saw a small plastic bag containing what appeared to be white powder, and they suspected that it could be an illegal drug. Mr. Baer shut the motor off, locked the truck, and verified track protection was in place. Mr. Skinner contacted CSX police, who arranged for the Hampton County Sheriff's Department to respond to the location.

Once the Hampton County Sheriff's officers arrived, they performed a search of the vehicle, recovering the bag of suspected narcotics, a prescription bottle containing pills with the patient's name scratched off, and two unopened cans of beer. The officers then ran Claimant's name through their computer system and discovered he had an outstanding warrant, and took him into custody.

At approximately 16:00 hours, the Claimant returned to the location and, upon discovering his truck was locked and seeing Mr. Skinner and Mr. Baer, along with the police, walked over and discussed the situation with them. The Claimant indicated that he left the truck to help an individual whose vehicle was stuck. Based upon the circumstances, the police arrested the Claimant.

There was no report or information regarding the administration of substance abuse testing, nor did the Claimant smell of alcohol.

III. POSITIONS OF THE PARTIES

Carrier's Position

The Carrier contends that it had substantial evidence to discipline and discharge the Grievant. It notes that the Claimant, an experienced employee serving as a track inspector, was well aware of the rules and policies requiring track inspections to be completed as required and the policy on the use of Company trucks. It asserts that the Claimant failed to secure his unattended vehicle, was not devoting himself exclusively to the service of the Carrier, and was in possession of prohibited substances in a Company vehicle. It also contends that the Claimant provided false and misleading information when questioned about his activities on the date of the incident.

Organization's Position

The Organization argues that the Carrier lacks just cause to discipline and discharge the Claimant. It argues that while the Claimant left his assigned high-rail truck to assist a stranded motorist, he was neither charged with drug possession, nor was the alleged substance found in the vehicle ever tested. The Organization asserts that without such evidence, the Carrier's charges related to alleged drug use must be dismissed.

The Organization also contends that the Carrier's allegation that the Claimant was in possession of unlabeled prescription pills was not proven to be illegal, and he was never charged with any crime in connection with the medication. Furthermore, the Carrier never administered drug or alcohol testing.

The Organization also argues that the Carrier's allegations that the Claimant was in possession of two unopened beer cans found in the Carrier's vehicle cannot be sustained because he denied ownership of the beer and maintained that he did not have any knowledge of them being in the vehicle. The Organization supports its argument, citing the Claimant's testimony that he did not use drugs and that he had been sober for ten years, and Supervisor Skinner's testimony that he neither detected signs of impairment nor odor of alcohol from the Claimant that day.

The Organization posits that, since the Claimant admittedly left the doors of the truck unlocked, it was possible that another person could have left anything found in the truck.

V. DECISION

The Board, upon consideration of the entire record and all of the evidence, finds that the parties are Carrier and Employee within the meaning of the Railway Labor Act, as amended; that this Board is duly constituted by the Agreement dated March 20, 2008; that this Board has jurisdiction over the dispute involved herein; and that the parties were given due notice of the hearing held.

The Board finds that the Claimant violated the cited Rules when, on May 31, 2021, he left the Carrier's truck on a track unattended, unlocked, with the engine running. He also violated the relevant rules by possessing alcohol in the Carrier's vehicle. He either knew or should have known that it was in the truck.

The Board finds that the Carrier did not provide substantial evidence that the white powder and the bottle of pills found in the vehicle were illegal substances. While there was clearly a reasonable suspicion that these were illegal substances, no testing was reported regarding either substance, and no drug testing of the Claimant was administered. The Board, therefore, concludes that allegations regarding illegal drug use and possession must be retracted.

The Board finds just cause for discipline in this matter. Both violations related to the unsecured vehicle and the presence of alcohol are sufficiently serious, and discharge was not an unreasonable penalty.

VI. AWARD

The claim is denied.



Casey Summers
Organization Member



John Ingoldsby
Carrier Member



Sheila Mayberry, Chair and Neutral Member
November 3, 2025