

Award No. 92  
Case No. 110  
System Docket No. CR-1977-D

SPECIAL BOARD OF ADJUSTMENT NO. 976

BROTHERHOOD-OF MAINTENANCE OF WAY EMPLOYEES

VS.

CONSOLIDATED RAIL CORPORATION


STATEMENT OF CLAIM:

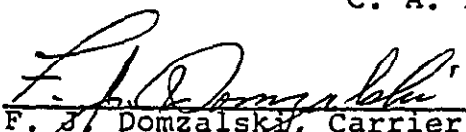
Appeal of dismissal assessed W. S. Mohr on December 4, 1985, in connection with violation of Rule G, reporting for duty with marijuana in his system, as confirmed by urinalysis testing.


Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this Board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject matter.

AWARD: Claim disposed of as follows:

Irrespective of the parties' respective positions regarding drug testing, the Company had ample cause to take the action it chose and was equally justified in the assessment of discipline, particularly in light of the evidence introduced at the hearing. However, while this Board clearly recognizes the need to eradicate drug use in the work place, we must also look to those, who by their prior record are deemed to be good employees and warrant a chance to help themselves to be substance free and again prove to be a reliable employee. Accordingly, in light of his 10 years of service with a clear record, claimant shall be returned to service without pay and all time held out to apply as suspension. In addition, he must pass the Company's return to duty physical which will include a drug screen test.

  
C. A. Peacock, Neutral Member

  
F. J. Domzalski, Carrier Member

  
Jed Dodd, Organization Member

Issued this 17<sup>th</sup> day of February 1987.