

BEFORE SPECIAL BOARD OF ADJUSTMENT NO. 1037

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
and
CSX TRANSPORTATION, INC.

Case No. 47

STATEMENT OF CLAIM:

Claim that Mr. B. T. Williams ID # 166929, be reinstated to service and made whole for all lost wages and benefits account being dismissed from service as a result of an investigation which was held on July 11, 1995, at Tampa, Florida.

FINDINGS:

On May 23, 1994, the Claimant tested positive for cannabinoids. He was charged with a Rule G violation and elected a Rule G, C-2 option in accordance with the Agreement. On June 6, 1994, the Claimant entered the Employee Assistance Program.

On October 20, 1994, the Claimant was notified that he once again tested positive during a random drug screen and, therefore, was "non-compliant with the treatment plan provided" to him. He was further informed that the original Rule G violation charge was being reinstated and that he should appear for a formal investigation of that charge.

A formal hearing was held on July 11, 1995, and it was established that the Claimant was guilty as charged. Consequently, the Claimant was dismissed from the Carrier's service.

The Claimant filed his appeal, challenging the Carrier's decision.

The parties being unable to resolve the issue, this matter comes before this Board.

This Board has reviewed the evidence and testimony in this case and we find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of a Rule G violation. The Claimant was given a second chance and he was unable to remain drug-free.

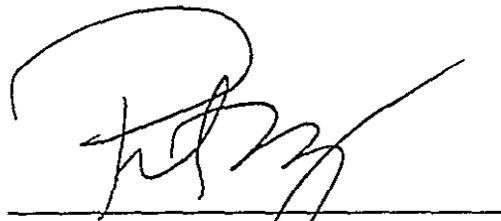
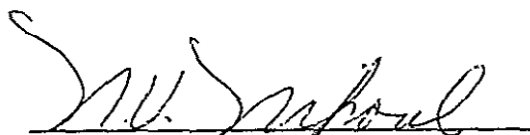
Once that occurred the original Rule G violation was reinstated and he was properly terminated.

Once this Board has determined that there sufficient evidence in the record to support the guilty finding, we next turn our attention to the type of discipline imposed. This Board will not set aside a Carrier's imposition of discipline unless we find its action to have been unreasonable, arbitrary, or capricious.

This Board has stated on numerous occasions that a Carrier cannot be expected to keep on its payroll employees who are unable to or refuse to remain sober and without drugs in their system. There are just too many safety issues involved in the operation of a railroad. Since the Claimant was unable to keep his system clean of drugs even after he was given a second chance, this Board cannot find that the Carrier acted unreasonably, arbitrarily, or capriciously when it terminated his employment. Therefore, the claim will be denied.

AWARD

Claim denied.


PETER R. MEYERS
Neutral Member
Carrier Member

Dated: 10/25/95


Organization Member

Dated: 11/3/95