

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 12

Heard at Montreal, Monday, September 13th, 1965

Concerning

CANADIAN NATIONAL RAILWAYS (ST. LAWRENCE REGION)

and

THE BROTHERHOOD OF RAILROAD TRAINMEN

DISPUTE:

Claims of Conductor W. F. Park and crew for 8 hours' pay at yard rates for work performed at Brockville, Ontario, December 18, 1962.

JOINT STATEMENT OF ISSUE:

Conductor W. F. Park and Brakemen J.F. Ralph and D. Fournia arrived Brockville on eastbound train Advance 492 at 6:35 p.m. on December 18, 1962. On arrival the crew were required to place their train on on one track in the yard and to place their caboose on the caboose track. The caboose movement required about 35 minutes' work and the Conductor, in addition to payment received under the provisions of Article 10, Rule (b) submitted a claim for 8 hours' pay at yard rates for each member of the crew under the provisions of Articles 35 and 140 of the Agreement, on the grounds that the work performed was yardmen's work. The Company declined payment of the claims.

Similar claims were submitted by trainmen on 8 other occasions between August 31, 1962 and May 17, 1963 when a road crew were required to place their caboose on the caboose track on arrival at Brockville. The Company also declined payment of these claims.

FOR THE EMPLOYEES:

(Sgd.) G. W. McDEVITT
GENERAL CHAIRMAN

FOR THE COMPANY:

(Sgd.) T. A. JOHNSTONE
ASST. VICE - PRESIDENT
LABOUR RELATIONS

There appeared on behalf of the Company:

T. A. Johnstone	-	Asst. Vice-President, Labour Relations, C.N.R, Montreal
R. St. Pierre	-	Labour Relations Assistant, C.N.R. Montreal
A. D. Andrews	-	Senior Agreements Analyst, C.N.R. Montreal
A. J. DelTorto	-	Labour Relations Officer, C.N.R. Montreal
R. J. Wilson	-	Senior Agreements Analyst, C.N.R.

Montreal

G. A. Fournier - Superintendent - Montreal Yard, C.N.R.
D. McGillivray - Trainmaster - Road Foreman, C.N.R.
Belleville
J. Mansfield - Labour Relations Officer, C.N.R.
Toronto

And on behalf of the Brotherhood:

G. W. McDevitt General Chairman, B.R.T. - Toronto
W. G. Flood Asst. General Chairman, B.R.T. -
Toronto
P. LaRochelle General Chairman, B.R.T. - Quebec
V. L. Hayter Secy. G.G.C., B. R. T. - Stratford
G. R. Ashman Vice-Chairman, G.G.C., B.?.T. -
Belleville
G. E. McLellan Secy. G.G.C.Yard, B.R.T. - Ottawa

AWARD OF THE ARBITRATOR

From the facts described in the foregoing issue and for the reasons given in Case No. 11, these claims and those similar to it, therein described, are disallowed:

J. A. HANRAHAN
ARBITRATOR