

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 478

Heard at Montreal, Wednesday, October 9th, 1974

Concerning

CANADIAN PACIFIC TRANSPORT COMPANY LIMITED
(CP TRANSPORT - WESTERN DIVISION)

and

BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS, FREIGHT
HANDLERS,
EXPRESS AND STATION EMPLOYEES

DISPUTE:

The Union claims the discipline assessed Mr. J.E. Taylor, mileage-rated driver, Vancouver, was too severe and that Mr. Taylor should be reinstated without loss in pay.

JOINT STATEMENT OF ISSUE:

Mr. J. E. Taylor submitted trip cars for February 18, 1974 and February 19, 1974, showing approximate times and not exact departure and arrival times. On February 22, 1974, Mr. Taylor was issued a discipline notice reading as follows:

"Dismissed for falsification of trip card and claiming more time on payroll documents than actually worked, on or about February 18, 1974 and February 19, 1974."

The Union appealed the Company's decision requesting Mr. Taylor be returned to his former position.

The Company declined the request.

FOR THE EMPLOYEES:

(SGD.) R. WELCH
GENERAL CHAIRMAN

FOR THE COMPANY:

(SGD.) C. C. BAKER
DIRECTOR, LABOUR RELATIONS
AND PERSONNEL

There appeared on behalf of the Company:

C. C. Baker - Director, Labour Relations & Personnel, CP Transport,
Van.

And on behalf of the Brotherhood:

R. Welch - General Chairman, B.R.A.C., Vancouver

AWARD OF THE ARBITRATOR

Although, following the removal from the Company's vehicles of tachographs which recorded, among other things, a driver's arrival times, the grievor had been instructed to indicate exact times on his trip cards, he did not do so. It is not simply a case of rounding-out the times to the nearest five or ten minutes. As the Company's analysis of the grievor's time cards for the two days in question shows, the grievor overcharged the Company by at least an hour on each of those days. Quite apart from the matter of the failure to follow instructions, a comparison of the grievor's work record with those of his predecessor and successor on the same run suggests at least that the grievor had made a practice of inflating his time claims.

However that may be, it is clear that the grievor did submit time claims which were significantly greater than the actual times involved, for the two days referred to. The only conclusion possible on the material before me is that false claims were knowingly made. The case is analogous to Case No. 461, in which false expense accounts were submitted. It was held there that the grievor had attempted to defraud the Company, and that in the circumstances there was just cause for discharge. The same is true in the instant case. It may be noted that the grievor's record contained a total of seven "current" notations.

For the foregoing reasons, the grievance is dismissed.

J. F. W. WEATHERILL
ARBITRATOR