

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 538

Heard at Montreal, Tuesday, March 9, 1976
Concerning

CANADIAN PACIFIC LIMITED (CP RAIL)

and

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

DISPUTE:

SDM level to apply to four (4) temporary positions of Clerk
established at Angus Shops to process Job Security Forms.

JOINT STATEMENT OF ISSUE:

On September 19, 1975 the Company advertised for four (4) temporary
Clerks to process Job Security forms at a rate of \$199.84 per week
(SDM level 1-2).

The Brotherhood disagreed with the rate applied to these positions
and proposed a rate of \$221.34 per week (SDM level L-1).

The parties have been unable to reach agreement as to the SDM level
for these positions.

FOR THE EMPLOYEES:

(Sgd.) W. T. Swain
General Chairman

FOR THE COMPANY:

(Sgd.) J. J. Raby
Chief of Motive Power
and Rolling Stock

There appeared on behalf of the Company:

D. Card	Labour Relations Officer, CP Rail, Montreal
A. Turgeon	Office Manager, Works Manager's Office, CP Rail, Montreal
J. Molnar	Asst. Supervisor of Staff Records, CP Rail, Montreal
R. Wheatley	Office Assistant, CP Rail, Montreal
C.F.R. Aubertin	Supervisor of Personnel & Labour Relations, CP Rail, Montreal

And on behalf of the Brotherhood:

W. T. Swain	General Chairman, B.R.A.C., Montreal
D. Hertabuk	Vice General Chairman, B.R.A.C., Montreal

AWARD OF THE ARBITRATOR

The general duties of the temporary position in question were set out
in the bulletin as follows:

"Calculation of continuous service to determine credit value for weekly lay-off benefits. Calculation of weekly lay-off benefits. Typing and completion of forms 3659-A, 3659, 3660 and 3661 for job security benefits. Other miscellaneous duties as required."

The question to be decided is whether the rate of pay set by the Company for the job was in conformity with the rates specified for similar positions covered by the collective agreement in which the duties are relatively the same. The matter is governed by Article 7 of the collective agreement.

It is the Union's position that the job in question involved relatively the same work as that of the Senior Clerk, located in the Superintendent's Office, Park Avenue, Montreal, or the Timekeeper, Wharf Freight Offices, located in Montreal and in Saint John.

The duties of the Senior Clerk's job are as follows:

- "1. Check job security claims (Form 3659) - verify employee exhausted seniority rights.
2. Compute credits earned - (search staff records required).
3. Issue Form 3660 to Montreal Trust authorizing payments.
4. Issue Form 3661 to Montreal Trust terminating payments.
5. Keeping records of credits expended and to be added.
6. Marking of staff record cards of employees on Job Security.
7. Maintaining files for individual employees who have received or are receiving benefits.
8. Prepare a statement of all men on Job Security for distribution to all departments.
9. Handle weekly benefit cheques received from Montreal Trust.
10. Handle telephone enquiries from all departments re Job Security matters.
11. Handle correspondence and telephone communications with Montreal Trust.
12. Contact various departments to determine whether there are any vacancies which could be filled by displaced personnel on transfer basis.
13. Bulletin and award vacancies occurring on Clerks' Master Seniority Rosters, Montreal Terminals and Laurentian Division.
14. Handle enquiries from displaced employees on above lists as

to where they could exercise seniority and qualifications required.

15. Maintain Clerks' Master Seniority Lists - both divisions."

That job involves work relating to claims against the job security fund as well as work related to the general seniority rights of employees. It would appear to include tasks covered by the Job here in question but it involves other tasks as well, of a more complex nature. In terms of diversity and complexity of work performed, there must be said to be a "significant difference" between the job of a temporary Clerk at Angus and that of a Senior Clerk at Park Avenue, Montreal. In my view, payment of a Clerk at Angus at the same level could not be justified.

The duties of a Timekeeper, Wharf Freight Offices, are to supervise and assist in the compiling of payrolls. This involves the compilation of time not only for regular wage payments, but also for vacation, holidays, insurance claims and many other matters. The work includes supervision of staff and familiarity with changing instructions and regulations. Again, the work is more diverse and complex than that of the job here in question. In my view payment of a Clerk at Angus at the same level as that of a Timekeeper, Wharf Freight Offices, could not be justified.

It is the Company's position that when regard is had to certain other positions at Angus, the slotting of the Clerk's Job at the I-1 level may be seen to be correct. Thus, the job of the Senior Clerk (Records), slotted at the K-1 level, is described as follows:

"Incumbent must have working knowledge of various Labour Agreements pertaining to increases and decreases of staff, transfers etc. Handles all seniority lists for Angus and Montreal Terminals. Prepares bulletins for opened positions requested by Angus and Terminals. Keeps seniority book in perfect standing order. Verification of typing on stencils re employees on R.O.S., re-called and transferred to Terminal points. Prepares and compiles cards for Master Seniority lists. Prepares correspondence for employees transferred, on leave of absence, vacation or reduction of staff with copies forwarded to the different departments at Angus Shop and Montreal Terminals. Verifies forms PDB 1 and other miscellaneous forms. Is in contact with Union Representatives of different crafts pertaining to changes and irregularities on the seniority roster. Once a year, at beginning of October, revises entire seniority roster for Angus Crafts and verifies the typing of stencils which will make-up the new seniority book. Carries the same procedure for Terminal Seniority of all Labourers and Firemen. These rosters must be posted and distributed early January. Answers frequent telephone inquiries requesting information pertaining to items mentioned above. Other miscellaneous work as may be required."

The Job of Clerk (Paymaster) is described as follows:

"Incumbent handles Angus Shop pay cheques by counting and entering same on forms supplied by General Paymaster. Verifies

cheques to be removed because of transfers, seizures or for other reasons. Prepares cheques to be mailed to sick employees or personnel on vacation. Prepares forms to be attached to cheques on the same clock for distribution by the Supervisors in their respective shop. Verifies same forms when balance of cheques are returned to the Pay Office. Requests cheques from outside points for employees transferred, reduction of staff etc. Types statement for each employee reporting sick, industrial or non-industrial accidents, this for pension deductions on Form PF-41. Annual statement showing these deductions for each employee is typed by the incumbent. Other miscellaneous work as may be required."

The job of Senior Clerk (Records) seems to me clearly to involve more varied and difficult work than that of the job in question. The work of the Clerk (Paymaster) is narrower in scope, and appears to be similar in some ways to that of Clerk. It appears to me, however, to involve a somewhat wider variety of forms and statements and to require somewhat more work in the way of computation and verification.

Reference may also be made to certain Jobs classified as Clerk (Records) at Angus, slotted at SDM level I-1, just below the rate of the job in question. These employees appear to be engaged in a variety of tasks, although not of a very complex nature. It was the Company's submission that the job in question could well have been slotted at that level. While the matter may be arguable, there are no doubt some grounds of distinction which would justify a higher rate for the job in question. It is clear to me, however, that the job cannot properly be said to be relatively the same as the higher-rated job of Senior Clerk (Records), and it would be difficult to justify the conclusion that it was relatively the same as that of Clerk (Paymaster). In my view, the position was correctly slotted at the 1-2 level.

For the foregoing reasons, the grievance is dismissed.

J.F.W. WEATHERILL
ARBITRATOR