

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO.765

Heard at Montreal, Tuesday, September 9,1980

Concerning

CN MARINE INC.

and

CANADIAN BROTHERHOOD OF RAILWAY, TRANSPORT AND GENERAL  
WORKERS

DISPUTE:

Dismissal of Mr. Chesley Pink, Cashier, effective March 14, 1980 for misappropriation of Company funds and improper cash handling procedures.

JOINT STATEMENT OF ISSUE:

Mr. Pink was dismissed on March 14, 1980 for misappropriation of Company funds and improper cash handling procedures during his tour of duty January 16-31, 1980.

It is the Union's position that if discipline was warranted, dismissal was too severe a penalty to be imposed.

FOR THE EMPLOYEE:

(SGD.) W. C. VANCE  
REGIONAL VICE PRESIDENT

FOR THE COMPANY:

(SGD.) G. J. JAMES  
DIRECTOR INDUSTRIAL  
RELATIONS

There appeared on behalf of the Company:

|                 |  |        |
|-----------------|--|--------|
| N. B. Price     | Manager Labour Relations, CN Marine Inc.,<br>Moncton |        |
| W. J. Nearing   | Sr. Labour Relations Asst. "                         |        |
| Capt.J.M.Taylor | Asst. Marine Supt. "                                 | -North |
|                 | Sydney   |        |
| J. D. Sheehan   | Vessel Services Officer                              |        |
| J. M. Premont   | Deputy Chief, CN Police ,Montreal                    |        |
| J. J. O'Connor  | Inspector, CN Police, Montreal                       |        |

And on behalf of the Brotherhood:

|               |  |
|---------------|--|
| W. C. Vance   | Regional Vice President, CBRT, Moncton, N.B. |
| G. MacIntyre  | Representative                               |
| J. J. Parsons | Local Chairman, Lo.285,                      |
| H. Reddick    | Local Chairman, Lo.286, St. John's, Nfld.    |

AWARD OF THE ARBITRATOR

Certain general matters relating to this case are dealt with at the beginning of the award in Case No. 763, and what is said there

applies equally in this case.

The grievor, a Cashier was on a tour of duty on the M. V. "Marine Atlantic" from January 16 to January 31, 1980. There is direct evidence as to certain occasions on which the grievor did not handle the cash properly. On a number of occasions the grievor was seen to let patrons pass the cash register without paying for their purchases, and without following the procedure for complimentary meals. More importantly, he was directly observed, on several occasions, to receive payment for meals but not to ring anything up on the cash register. The grievor's denial of this, in his statement made at his investigation, is contradicted by the direct evidence given at the hearing.

The effect of the grievor's receiving payments without recording them would be that there would be an excess of cash in the till. No overages were reported. The only reasonable conclusion is that the grievor misappropriated Company funds. Such an offence, in the circumstances, warranted discharge. Accordingly, the grievance is dismissed.

J.F.W. WEATHERILL  
ARBITRATOR