

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 864

Heard at Montreal, Thursday, September 10, 1981

Concerning

CANADIAN PACIFIC LIMITED (CP RAIL)

and

UNITED TRANSPORTATION UNION

DISPUTE:

Removal of the 20 demerit marks assessed Conductor D. Pearson Revelstoke, for his failure to properly inspect a passing train after being reminded of that responsibility by a Company Officer October 31, 1980.

JOINT STATEMENT OF ISSUE:

An investigation was held at Revelstoke on November 10, 1980 in connection with the tour of duty of Conductor Pearson on Work Extra 5849 at Glacier, B.C. October 31, 1980. Following the investigation, Conductor Pearson was issued a Form 104 dated November 26, 1980, stating as follows:

"Please be informed that your record has been debited with TWENTY (20) demerit marks for failure to take a position to properly inspect a passing train after being reminded of that responsibility by a Company Officer, a violation of Rule 111, Para. 1 of U.C.O.R., Glacier, B.C. October 31, 1980."

The Union appealed the discipline assessed Conductor Pearson requesting the removal of the 20 demerit marks contending the Company did not establish any responsibility in respect to the charges against him. The Union further contends the Company violated Article 32, Clauses (c) and (d) of the Collective Agreement.

The Company declined the appeal on the basis that discipline was assessed upon the evidence produced.

FOR THE EMPLOYEES:

FOR THE COMPANY:

(SGD.) P. P. BURKE
GENERAL CHAIRMAN

(SGD.) L. A. HILL
GENERAL MANAGER,
OPERATION AND MAINTENANCE

There appeared on behalf of the Company:

L.J. Masur	-- Supervisor, Labour Relations, CP Rail, Vancouver, B.C.
J.M. White	-- Superintendent, CP Rail, Revelstoke Division, Revelstoke, B.C.

