

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 1098

Heard at Montreal, Tuesday, June 14, 1983

Concerning

CANADIAN NATIONAL RAILWAY COMPANY
(CN Rail Division)

and

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

DISPUTE:

Claim of Track Maintainer Mr. F. Johnson for Leading Track Maintainer's rate of pay between May 20 and June 21, 1982.

JOINT STATEMENT OF ISSUE:

A Leading Track Maintainer's position became vacant on May 20, 1982 on Section Gang 12A2 which was headquartered at North Sydney, N.S. A Trackman was temporarily assigned to Gang 12A2 during the period that the LTM'S position was vacant (May 20 to June 21, 1982).

The Union contends that the grievor, Mr. F. Johnson, should have been paid at the Leading Track Maintainer's rate of pay for work performed on Section 12A2 from May 20, 1982 until June 21, 1982.

The Company disagrees with the Union's contention.

FOR THE BROTHERHOOD:

(SGD.) PAUL A. LEGROS
System Federation General Chairman

FOR THE COMPANY:

(SGD.) D. C. FRALEIGH
Assistant Vice-President
Labour Relations

There appeared on behalf of the Company:

K. J. Knox	- Manager Labour Relations, CNR, Montreal
P. E. Scheerle	- System Labour Relations Officer, CNR, Montreal
W. D. Agnew	- Labour Relations Officer, CNR, Moncton

And on behalf of the Brotherhood:

Paul A. Legros	- System Federation General Chairman, BMWE, Ottawa
J. Roach	- General Chairman, BMWE, Moncton
F. L. Stoppler	- Vice-President, BMWE, Ottawa

AWARD OF THE ARBITRATOR

This case is, in general, similar to Case No. 854. In the instant case, however, the grievor, while apparently qualified to act as a

Track Maintenance Foreman, had not in fact completed the training program for Leading Track Maintainers.

By Article 26.1 of the Collective Agreement, the rate for Leading Track Maintainer is payable "upon successful completion of the training programme". Since the grievor had not completed the programme, he did not meet the conditions for payment of the rate set out in the Collective Agreement.

Accordingly, the grievance must be dismissed.

J. F. W. WEATHERILL,
ARBITRATOR.