

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 1215

Heard at Montreal, Wednesday, March 7, 1984

Concerning

CANADIAN PACIFIC LIMITED (CP RAIL)
(Atlantic Region)

and

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

DISPUTE:

On March 21, 1983, Mr. G. A. DelRosso was assessed 10 demerits "pour votre infraction de la regle generale S des Reglements de l'entretien de la voie, le 24 fevrier 1983 a Ballantyne".

JOINT STATEMENT OF ISSUE:

The Union contends that the discipline is not warranted and that they be removed.

The Company declines the Union's request.

FOR THE BROTHERHOOD:

(SGD.) H. J. THIESSEN
System Federation
General Chairman

FOR THE COMPANY:

(SGD.) J. L. FORTIN
Acting General Manager
Operation and Maintenance

There appeared on behalf of the Company:

B. A. Demers	- Supervisor, Labour Relations, CPR, Montreal
J. H. Blotsky	- Asst. Supervisor, Labour Relations, CPR, Montreal
R. Leblanc	- Roadmaster, CPR, Montreal
R. A. Colquhoun	- Labour Relations Officer, CPR, Montreal
D. J. David	- Labour Relations Officer, CPR, Montreal

And on behalf of the Brotherhood:

H. J. Thiessen	- System Federation General Chairman, BMW, Ottawa
L. DiMassimo	- Federation General Chairman, BMW, Montreal
R. Gaudreau	- Vice-President, BMW, Ottawa
L. Valence	- General Chairman, BMW, Sherbrooke

AWARD OF THE ARBITRATOR

General Rule "S" provides that "employees must not, without permission, absent themselves from duty during prescribed hours.

At 1520 hours on February 24, 1983, the grievor left his work station

to obtain his pay cheque at the main yard office. He did this before the completion of his regular tour of duty at 1530 hours and without permission of his supervisor. These facts are not disputed but are admitted.

The grievor thereby committed an infraction involving the violation of General Rule "S". He therefore merited the imposition of discipline for his misconduct. Because the grievor had previously been warned by his supervisor, Roadmaster R. Leblanc, to desist from engaging in like infractions, no useful purpose will be served in my interfering with the ten demerit marks that were imposed.

For all the foregoing reasons the grievance is denied.

DAVID H. KATES,
ARBITRATOR.