

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 1259

Heard at Montreal, Thursday, June 14, 1984
Concerning

CANADIAN NATIONAL RAILWAY COMPANY
(CN Rail Division)

and

UNITED TRANSPORTATION UNION

DISPUTE:

Runaround claim of Conductor W. A. Coughlan and Crew of Belleville, Ontario.

JOINT STATEMENT OF ISSUE:

On January 5, 1983, Train 392 operated between Toronto and Belleville manned by a Toronto crew.

Conductor W. A. Coughlan and crew submitted a runaround claim for 50 miles, contending a violation of Article 27.4 of Agreement 4.16. The Union contends that Train 392 should have been designated as Train 390, and as such should be manned by Belleville crews.

The Company declined the claim.

FOR THE UNION:

(SGD.) R. A. BENNETT
General Chairman

FOR THE COMPANY:

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

There appeared on behalf of the Company:

D. W. Coughlin	- Manager Labour Relations, CNR, Montreal
J. A. Bart	- Labour Relations Officer, Montreal
J. A. Sebesta	- Coordinator Transportation - Special Projects, CNR, Montreal
W. P. Byers	- Assistant Superintendent, CNR, Sarnia

And on behalf of the Union:

R. A. Bennett	- General Chairman, UTU, Toronto
T. G. Hodges	- Vice-General Chairman, UTU, Toronto

AWARD OF THE ARBITRATOR

In this case a train designated by the company as train 392 left Sarnia on its way to Toronto with a stop at the MacMillan Yard for set off. Because of some complication with the computer system at the MacMillan Yard the company was forced at Sarnia to change the

designation number of train 392. The train's designation was altered to read train 390. At the MacMillan yard the train designation was changed to 392. At Toronto the regularly assigned crew under Conductor Sloan proceeded to take Train 392 from Toronto to Belleville. These are the basic facts that have precipitated this

The trade union charges that at all material times the train's appropriate designation was 390. The significance of the 390 designation is pertinent in that that particular train is intended to be manned by an unassigned crew, namely the crew under Conductor Coughlan's supervision. It is alleged that the train 390 designation was cancelled at the MacMillan Yard in order to allow the company to circumvent certain financial obligations that would otherwise be payable to the regularly assigned crew under Conductor Sloan resulting from the "real" cancellation of a designated train 392. In short, the trade union has alleged that several provisions of Article 27, elaborated more fully in its brief, ought to have governed the treatment of Conductor Sloan and crew by reason of the alleged cancelled assignment of train 392. Moreover, the ultimate prejudice adversely affected the unassigned crew supervised by Conductor Coughlan who were denied work on designated train 390.

The disposition of this case accordingly turns on the credibility I am prepared to attach to the company's explanation for its change in designation of train 392 at Sarnia as 390 and its redesignation at Toronto to its original designation number. And, the only independent evidence that lends credence to the company's position is the original lineup sheets showing train 392 to be the actual designati of the train leaving the Sarnia yard at the material time in question.

In sum, notwithstanding the very good reasons why the trad union should view the company's actions with suspicion, I am prepared to give the company the benefit of the doubt. The alleged "shell game" may very well have been rooted in a very legitimate problem related to the company's computer system. And for that reason, I have decided that the grievance should be denied.

DAVID H. KATES,
ARBITRATOR.