

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 1690

Heard at Montreal, Thursday, September 10, 1987

Concerning

ALGOMA CENTRAL RAILWAY

And

UNITED TRANSPORTATION UNION

EX PARTE

DISPUTE:

Appeal of discipline assessed to Mr. L. Jolin in the form of 10 demerit marks for not being available for duty, and 20 demerit marks not taken off Mr. Jolin's record for one year's good service.

BROTHERHOOD'S STATEMENT OF ISSUE:

On Friday, October 10, 1986, Mr. L. Jolin took his call for his regular assignment , 0600-1400 Yard Switcher. After taking the call he became ill and finally advised Yard Office he would not be at work. On November 16, 1986, as he had taken his Mother-in-Law to the hospital. The Company assessed 10 demerit marks for these two incidents.

The Brotherhood contends that this was unfair and unjust, account of the circumstances involving the two incidents were of an emergency nature. There was no loss of productivity, no delay to the operation, there were other men on the spareboard to fill the required vacancies, and Mr. Jolin was already being punished by being placed to the bottom of the spareboard list and his monthly guarantee reduced.

Further, the Brotherhood contends that, in keeping with Company policy, the Company should have reduced 20 demerit marks from Mr. Jolin's record, who performed one year's good service prior to the 10 demerit marks assessed.

The Brotherhood requests that the 10 demerit marks and 20 demerit marks be reduced from his record.

The Company disagrees with the Union's contention.

FOR THE BROTHERHOOD:

(SGD.) J. SANDIE
General Chairman

There appeared on behalf of the Company:

V.E. Hupka	- Manager, Industrial Relations, Sault Ste. Marie, Ont
N.L. Mills	- Superintendent - Transportaion, Sault Ste. Marie, Ont.

And on behalf of the Union:

J. Sandie	- General Chairman, Sault Ste. Marie, Ont.
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AWARD OF THE ARBITRATOR

The material establishes to the satisfaction of the Arbitrator that Mr. Jolin did fail to be available for duty, without sufficient excuse, and failed to notify the Company that he would not respond to a call which he had previously accepted. In the circumstances, and having regard to the grievor's prior record, the assessment of discipline was within the range of reasonable response. The grievance must therefore be dismissed.

MICHEL G. PICHER
ARBITRATOR