

CANADIAN RAILWAY OFFICE OF ARBITRATION

SUPPLEMENTARY AWARD TO

CASE NO. 1909

Heard at Montreal, Wednesday, 11 April 1990

Concerning

CANADIAN PACIFIC LIMITED

And

TRANSPORTATION COMMUNICATIONS UNION

DISPUTE:

The Union contends that the date for determining the commencement of Mr. Hill's incumbency allowance should be February 3, 1987 with 3 years of increases.

The Company contends that the correct date for calculations is January 1, 1985.

FOR THE UNION:

(SGD) D. DEVEAU
GENERAL CHAIRMAN

FOR THE COMPANY:

(SGD) K. PORTER
ASSISTANT COMPTROLLER REVENUES &
CLAIMS

There appeared on behalf of the Company:

P. C. Delaney -- Personnel Manager, CP Rail Accounting, Montreal
P. E. Timpson -- Labour Relations Officer, Montreal
R. A. deMontignac -- Supervisor, Welfare Plans, CP Rail, Montreal

And on behalf of the Union:

D. Deveau -- General Chairman, Calgary
D. Kent -- Vice-General Chairman, Vancouver
C. Pinard -- Acting General Chairman, Montreal

SUPPLEMENTARY AWARD OF THE ARBITRATOR

Upon a review of the material the Arbitrator is satisfied that the date of January 1, 1985 is, as the Company contends, the correct date for the calculation of the commencement of the grievor's incumbency allowance. That is the date of the time at which he was displaced from his position at Winnipeg due to the technological, operation or organizational change which was then implemented following the three-month notice contemplated under the Job Security Agreement. The fact that the position into which he moved was one which, subsequently, he was unable to fulfill does not alter the fact that the triggering of it, and the original reason for his displacement from Winnipeg, was the change implemented in January of 1985.

For the reasons the position of the Company must be sustained

April 12, 1990

(Sgd.) MICHEL G. PICHER
ARBITRATOR