

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2009

Heard at Montreal, Thursday, 15 March 1990

Concerning

CP EXPRESS & TRANSPORT

And

TRANSPORTATION COMMUNICATIONS UNION

DISPUTE:

Employee Ed Pokonzie, Spareboard Driver, Obico, was assessed 5 demerits for alleged failure to report for a scheduled interview on May 15, 1989.

JOINT STATEMENT OF ISSUE:

The grievor filed a grievance with respect to the above.

The Union asserts the 5 demerit were issued without cause (contrary to Article 8) as the grievor had earlier advised Supervisor K. Jordan (who gave him the notice to appear) that he could not drive all the way from Brantford to the meeting and that he had prior commitments and requested it be rescheduled either at the end or the beginning of his shift.

The Union requests that the 5 demerits be removed from the grievor's record.

The Company has denied the Union's request.

FOR THE UNION:

(SGD) J. J. BOYCE  
GENERAL CHAIRMAN  
SYSTEM BOARD OF ADJUSTMENT NO. 517

FOR THE COMPANY:

(SGD) B. F. WEINERT  
MANAGER, LABOUR RELATIONS

There appeared on behalf of the Company:

M. D. Failes - Counsel, Toronto  
B.F. Weinert - Manager, Labour Relations, Toronto

And on behalf of the Union:

M. Church - Counsel, Toronto  
J. Crabb - Secretary/Treasurer, Toronto  
E. Pokonzie - Grievor

AWARD OF THE ARBITRATOR

I am satisfied on the basis of the material before me that the grievor was aware that he was expected to attend at an investigation scheduled for May 15, 1989. While he did advise one supervisor that that time was not convenient for him, he was plainly directed by her to speak with the officer in charge of the investigation if he wished to have the time changed. This the grievor did not do. Without any further communication with the Company he simply did not appear at the investigation.

The Company plainly had grounds to assess discipline against Mr. Pokonzie in the circumstances, and in the Arbitrator's view the five demerits imposed were within a reasonable range of penalty. For these reasons the grievance must be dismissed.

March 16, 1990

(Sgd.) MICHEL G. PICHER  
ARBITRATOR