

ADJOURNED SINE DIE

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2127

Heard at Montreal, Thursday, 14 March 1991

concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

UNITED TRANSPORTATION UNION

EX PARTE

DISPUTE:

Denial of ESE Training - S.L. Aitken, Toronto.

UNION'S STATEMENT OF ISSUE:

The grievor made application for SLE Course - Bulletin No. JT 139 on 2 October 1989. The Company declined to consider the application, as Company policy does not permit a repeat attendance for employees who fail to meet the required standards either at Gimli or during the on-the-job training.

Further it is the Company's position that the dispute is not arbitrable solely because it was not progressed through all proper steps of the grievance procedure.

It is the Union's position that the dispute is in fact arbitrable as the Company's decision to ignore the appellant's application is equal to a Step 1 declination. As well the denial by System Master Mechanic L.G. Finnerty satisfies the Step 2 declination. The Company's refusal to accept the grievor's application is in direct violation of Article 66.2 of Agreement 4.16.

FOR THE UNION:

(SGD.) W. G. SCARROW
GENERAL CHAIRPERSON

There appeared on behalf of the Company:

J. B. Bart -- Manager, Labour Relations, Montreal
M. S. Hughes -- Labour Relations Officer, Montreal

And on behalf of the Union:

W. G. Scarrow -- General Chairperson, Sarnia
F. Garant -- Vice-General Chairperson, Montreal

At the request of the parties, the hearing was adjourned sine die.