

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2784

Heard in Calgary, Tuesday, 12 November 1996

concerning

CANADIAN PACIFIC RAILWAY COMPANY

and

**CANADIAN COUNCIL OF RAILWAY OPERATING UNIONS
[UNITED TRANSPORTATION UNION]**

DISPUTE:

An alleged violation of article 37(f)(2).

JOINT STATEMENT OF ISSUE:

On November 4, 1994, Trainperson G. Nelson attempted to hold himself in for spare running as provided for under article 37(f)(2) of the collective agreement. His request was denied.

The Council contends that Mr. Nelson should have been permitted to take the service as a conductor as he desired.

The Company has declined the Council's request.

FOR THE COUNCIL:

(SGD.) L. O. SCHILLACI
GENERAL CHAIRMAN

FOR THE COMPANY:

(SGD.) S. SEENEY
FOR: DISTRICT GENERAL MANAGER, B.C. DISTRICT

There appeared on behalf of the Company:

M. E. Keiran	– Manager, Labour Relations, Calgary
R. E. Wilson	– Director, Labour Relations, Calgary
S. Seeney	– Manager, Labour Relations, Calgary
R. V. Hampel	– Labour Relations Officer, Calgary
R. M. Smith	– Labour Relations Officer, Calgary
J. C. Copping	– Labour Relations Officer, Calgary

And on behalf of the Council:

J. K. Jeffries	– Vice-General Chairman, Cranbrook
L. O. Schillaci	– General Chairman, Calgary
B. McLafferty	– Vice-General Chairman, Moose Jaw
D. H. Finnsen	– Secretary, Saskatoon

AWARD OF THE ARBITRATOR

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

November 16, 1996

(signed) MICHEL G. PICHER
ARBITRATOR