

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2820

Heard in Montreal, Thursday, 16 January 1997

concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

**NATIONAL AUTOMOBILE, AEROSPACE, TRANSPORTATION AND
GENERAL WORKERS UNION OF CANADA (CAW-CANADA)**

DISPUTE:

Assessment of discipline to Mr. T. DeRose of Thunder Bay, Ontario.

JOINT STATEMENT OF ISSUE:

Following an investigation held on 10 March 1994, Mr. DeRose was assessed 10 demerits for sleeping during the course of his shift on 08 March 1994.

It is the Union's position that Mr. DeRose was feeling ill and as such during his lunch/coffee break he decided to lie down. Furthermore, the discipline assessed was beyond the 21 days as laid out in article 24.2 of agreement 5.1. Therefore, the Union requests that all discipline be removed from Mr. DeRose's record.

The Company denies the request.

FOR THE UNION:

(SGD.) A. S. WEPRUK
NATIONAL COORDINATOR

FOR THE COMPANY:

(SGD.) J. TORCHIA
FOR: SENIOR VICE-PRESIDENT, WESTERN CANADA

There appeared on behalf of the Company:

D. Lanthier	– Labour Relations Officer, Edmonton
S. Michaud	– Labour Relations Officer, Edmonton
J. Dixon	– Manager, Labour Relations, Edmonton
C Colquhoun	– Senior Technical Officer, Winnipeg

And on behalf of the Union:

A. S. Wepruk	– National Coordinator, Montreal
A. DeRose	– Grievor

AWARD OF THE ARBITRATOR

For the reasons related in **CROA 2821**, the grievance is allowed, in part.

January 20, 1997

(signed) MICHEL G. PICHER
ARBITRATOR