

CANADIAN RAILWAY OFFICE OF ARBITRATION
CASE NO. 3209
Heard in Calgary, Tuesday, 13 November 2001
concerning
CANADIAN NATIONAL RAILWAY COMPANY
and
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

DISPUTE:

Appeal the assignment of lead hand position on Gang 5P42 to junior employee D. Poepell by senior employee D. Herdman.

JOINT STATEMENT OF ISSUE:

In February, 2000 the Company advertised and then awarded a lead hand position to junior employee D. Poepell. A grievance was filed.

The Brotherhood contends: (1.) The grievor is completely qualified to perform the job advertised. (2.) The bulletin did not specify the necessity of any particular qualifications required. (3.) The Company violated article 5.2 of agreement 10.3. (4.) The grievor has been used in similar capacity in the past. (5.) The grievor possesses the necessary skills to perform the work.

The Brotherhood requests: the grievor as of the Spring of 2000 be fully recognized by the Company as qualified to fill the position of Lead Hand and that he be compensated for all regular and overtime hours lost as a result of being denied a lead hand position since the Spring of 2000.

The Company denies the Union's contentions and declines the Union's request.

FOR THE BROTHERHOOD:	FOR THE COMPANY:
(SGD.) R. F. LIBERTY	(SGD.) S. ZEIMER
SYSTEM FEDERATION GENERAL CHAIRMAN	FOR: VICE-PRESIDENT, PRAIRIE
DIVISION	

There appeared on behalf of the Company:

B. Laidlaw - Human Resources Associate, Winnipeg
D. Woodbeck - Facility Maintenance Supervisor, Winnipeg
G. Katcher - B&S Operations Officer, Winnipeg
D. VanCauwenbergh - Human Resources Associate, Winnipeg

And on behalf of the Brotherhood:

P. Davidson - Counsel, Ottawa
R. F. Liberty - System Federation General Chairman, Winnipeg
D. Brown - General Counsel, Ottawa
J. Dutra - Federation General Chairman, Edmonton
S. Crawford - General Chairman,

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