

CANADIAN RAILWAY OFFICE OF ARBITRATION

SUPPLEMENTARY AWARD TO

CASE NO. 3315

Conference call held on Thursday, 10 April 2003
concerning
VIA RAIL CANADA INC.

and

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

There appeared on behalf of the Corporation:

L. Laplante - Sr. Officer, Labour Relations, Montreal

And on behalf of the Union:

D. Olszewski - National Representative, Winnipeg

D. Andru - Bargaining Representative, Toronto

SUPPLEMENTARY AWARD OF THE ARBITRATOR

This Office issued an award herein dated January 17, 2003. Since the issuing of the award the parties have indicated to the Arbitrator that there have been some differences between them with respect to the terms under which the grievor is being reinstated into his employment. The parties made submissions to the Arbitrator concerning those differences on April 10, 2003 and this award is issued as a result.

On the basis of the submission made the Arbitrator directs as follows: Mr. Nasroui will be trained for the position of stock checker in the Employee Services Centre at the Toronto Maintenance Centre. Upon completion of the formal training and on-the-job familiarization, Mr. Nasroui will bid on any bulletined vacancy. If he is unable to hold a position as a result of his seniority, or if no temporary vacancies are available, he will be permitted to displace the junior employee holding a stock checker position. In the event of the posting of any vacancies during the currency of Mr. Nasroui's training he shall bid on any such posted vacancy.

Mr. Nasroui will be paid for his loss of earnings retroactive to the date of his reinstatement due to his placement on a part-time position in lieu of a forty-hour position. The loss in wages will be calculated based on the difference in earnings

between the position he held at Oshawa and the permanent position he owned prior to his dismissal.

OSHAWA:

Sr. CSA	- \$21.80 x 12 hours	=	\$261.60
CSA	- \$21.26 x 20 hours	=	\$425.20

Total: \$686.80

PERMANENT ASSIGNMENT:

Sr. SSA (#13645)	-	\$19.75 x 8 hours	=	\$158.32
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SSA (#11920)	- \$18.90 x 32 hours	=	\$604.80
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Total: \$763.12

Difference owing per week: \$76.32

Both Mr. Nasroui and grievor Patrick Zembski will be compensated for the loss in wages between January 29, 2003 and February 3, 2003 as a result of the delay in processing their reinstatements.

All employees affected by the assignment of Mr. Nasroui to the part-time position in Oshawa shall revert to the *status quo* which existed prior to that assignment of Mr. Nasroui.

April 10, 2003

(signed) MICHEL G. PICHER
ARBITRATOR