

# CANADIAN RAILWAY OFFICE OF ARBITRATION

## CASE NO. 12

Heard at Montreal, Monday, September 13th, 1965

Concerning

**CANADIAN NATIONAL RAILWAYS**

and

**BROTHERHOOD OF RAILROAD TRAINMEN**

### DISPUTE:

Claims of Conductor W. F. Park and crew for 8 hours' pay at yard rates for work performed at Brockville, Ontario, December 18, 1962.

### JOINT STATEMENT OF ISSUE:

Conductor W. F. Park and Brakemen J.F. Ralph and D. Fournia arrived Brockville on eastbound train Advance 492 at 6:35 p.m. on December 18, 1962. On arrival the crew were required to place their train on one track in the yard and to place their caboose on the caboose track. The caboose movement required about 35 minutes' work and the Conductor, in addition to payment received under the provisions of Article 10, Rule (b) submitted a claim for 8 hours' pay at yard rates for each member of the crew under the provisions of Articles 35 and 140 of the Agreement, on the grounds that the work performed was yardmen's work. The Company declined payment of the claims.

Similar claims were submitted by trainmen on 8 other occasions between August 31, 1962 and May 17, 1963 when a road crew were required to place their caboose on the caboose track on arrival at Brockville. The Company also declined payment of these claims.

### **FOR THE EMPLOYEES:**

**(SGD.) G. W. MCDEVITT**  
GENERAL CHAIRMAN

### **FOR THE COMPANY:**

**(SGD.) T. A. JOHNSTONE**  
ASSISTANT VICE-PRESIDENT, LABOUR RELATIONS

There appeared on behalf of the Company (and others):

T. A. Johnstone – Assistant Vice-President, Labour Relations, Montreal

And on behalf of the Brotherhood (and others):

G. W. McDevitt – General Chairman, Toronto

### **AWARD OF THE ARBITRATOR**

From the facts described in the foregoing issue and for the reasons given in **CROA 11**, these claims and those similar to it, therein described, are disallowed.

**(signed) J. A. HANRAHAN**  
ARBITRATOR