

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 155

Heard at Montreal, Tuesday, June 10th, 1969

Concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

UNITED TRANSPORTATION UNION (T)

DISPUTE:

Claims of Conductor W.E. Walsh and crew, of Sioux Lookout, for General Holiday pay, January 1, 1968.

JOINT STATEMENT OF ISSUE:

On the general holiday, January 1, 1968, Conductor W.E. Walsh and crew (Brakemen J.J. George and F. Maskerine) were regularly assigned to Trains 303–310 between Winnipeg and Sioux Lookout with home terminal at Sioux Lookout. On that day their assignment did not operate nor did they perform any work. These employees had completed 30 days continuous employee relationship and had received wages for 14 shifts or tours of duty during the 30 calendar days immediately preceding the general holiday. In addition to the foregoing, they received general holiday pay for Christmas Day, December 25, 1967.

Each of the claimants submitted a time return claiming general holiday pay for January 1, 1968. The Company declined payment of the claims on the grounds that the employees failed to qualify in accordance with the governing general holiday provisions contained in Article 5, Rule 62-A, Section 2, Clause (b) of the Conductors' Agreement, and in Article 5, Rule 75-A, Section 2, Clause (b) of the Trainmen's Agreement. The Brotherhood alleges that the employees did qualify thereunder.

FOR THE EMPLOYEES:

(Sgd.) J. S. CORBETT
GENERAL CHAIRMAN

FOR THE COMPANY:

(Sgd.) K. L. CRUMP
ASSISTANT VICE PRESIDENT, LABOUR RELATIONS

There appeared on behalf of the Company:

D. O. McGrath – Labour Relations Assistant, Montreal
A. J. DelTorto – Labour Relations Assistant, Montreal

And on behalf of the Brotherhood:

J. S. Corbett – General Chairman, Winnipeg

AWARD OF THE ARBITRATOR

The preliminary objection in this case, and the facts on which it is based, are identical to those in **Case No. 154**. For the reasons there set out, the grievance must be dismissed.

(signed) J. F. W. WEATHERILL
ARBITRATOR