

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO.1394

Heard at Montreal, Thursday, July 11, 1985

Concerning

CP EXPRESS AND TRANSPORT

and

BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES

EX PARTE

DISPUTE:

This concerns the payment of Foreman, K-1 wages from December 1, 1983, until August 1st, 1984, when Mr. D. Gelly was placed on the Foreman position #72, November 16, 1983.

BROTHERHOOD'S STATEMENT OF ISSUE:

In early November Mr. D. Gelly applied for Foreman K-1 position at Edmonton, Alberta, the Company Officer awarded this K-1 position #72 to junior employee and after a great deal of grievance procedure through Steps one to three, D. Gelly was awarded this K 1 Foreman position August 5, 1984. The Union's position from beginning to end called for the awarding and payment to D. Gelly from date of December 1st, 1983.

The Company's position is that he did prove to all concerned that he met the full requirements of Foreman K-1 and was awarded this K-1 Foreman position but failed to pay this employee from December 1st, 1983, to August 5th, 1984.

We claim payment of K-1 wages in the name of D. Gelly from December 1st, 1983 until August 5th, 1984.

FOR THE BROTHERHOOD:

(SGD.) J. J. BOYCE

GENERAL CHAIRMAN, SYSTEM BOARD OF ADJUSTMENT NO. 517

There appeared on behalf of the Company:

N. W. Fosbery – Director Labour Relations, Toronto

And on behalf of the Brotherhood:

J. J. Boyce – General Chairman, Toronto
J. Crabb – General Secretary-Treasurer, Toronto
G. Moore – Vice-General Chairman, Moose Jaw
M. Gauthier – Vice-General Chairman, Montreal
D. Wray – Counsel, Toronto

The above dispute was resolved between the two parties at the hearing.

(signed) DAVID H. KATES
ARBITRATOR