

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 1522

Heard at Montreal, Tuesday, June 10, 1986

Concerning

CANADIAN PACIFIC LIMITED

and

BROTHERHOOD OF LOCOMOTIVE ENGINEERS

DISPUTE:

Reinstatement of Locomotive Engineer D. A. Johnson, Revelstoke, who was dismissed for accumulation of demerit marks.

JOINT STATEMENT OF ISSUE:

Effective November 22, 1984, Locomotive Engineer D. A. Johnson was assessed 30 demerit marks for mishandling and operating Extra 5863 East at speeds in excess of maximum permissible speeds, in violation of the Mountain Subdivision Timetable Footnotes, October 26, 1984. On same date, Mr. Johnson was assessed 10 demerits for failing to report for duty on time after being properly called for Train 471-10, at Field, B.C., November 13, 1984. Subsequently on November 22, 1984 he was dismissed for accumulation of demerit marks.

The Union appealed the dismissal on basis that it was too severe. Therefore, the Brotherhood requests that Locomotive Engineer Johnson be reinstated to service without payment for lost time.

The Company rejected the appeal.

FOR THE BROTHERHOOD:

(SGD.) L. F. BERINI
GENERAL CHAIRMAN

FOR THE COMPANY:

(SGD.) L. A. HILL
GENERAL MANAGER, OPERATION AND MAINTENANCE

There appeared on behalf of the Company:

F. R. Shreenan – Supervisor, Labour Relations, Vancouver
R. T. Bay – Assistant Supervisor, Labour Relations, Vancouver
R. J. Pelland – Labour Relations Officer, Montreal

And on behalf of the Brotherhood:

L. F. Berini – General Chairman, Calgary
G. N. Wynne – General Chairman, Montreal

AWARD OF THE ARBITRATOR

The grievor at the material times of the incidents that culminated in his discharge had accumulated 50 demerit marks.

In the one incident dated October 26, 1984 he was assessed ten demerit marks for failing to report for duty on time. In the other incident dated November 22, 1984 he was assessed thirty demerit marks for mishandling and operating his train at excessive speeds.

There were no explanations advanced for these infractions.

The Company accordingly has established just cause for the grievor's discharge. The grievance is dismissed.

(signed) DAVID H. KATES
ARBITRATOR