

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 1586

Heard at Montreal, Thursday, November 13, 1986

Concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

DISPUTE:

Claim of Mechanic "A", L. G. Beers that he should have been awarded the position of Field Maintainer as advertised in Bulletin No. 111-85-10, dated March 22, 1985.

JOINT STATEMENT OF ISSUE:

Mr. Beers was not appointed to the Field Maintainer position on account of not being qualified. Mechanic "A", R. J. Bourgoïn, who was junior to Mr. Beers was appointed to the position on April 22, 1985.

The Brotherhood contends that the Company violated Article 15.3 of Agreement 10.1 and Article 2.8 of Agreement 10.3 by not appointing Mr. Beers to the Field Maintainer position.

The Company disagrees with the Brotherhood's contention.

FOR THE BROTHERHOOD:

(SGD.) PAUL A. LEGROS
SYSTEM FEDERATION GENERAL CHAIRMAN

FOR THE COMPANY:

(SGD.) D. C. FRALEIGH
ASSISTANT VICE-PRESIDENT, LABOUR RELATIONS

There appeared on behalf of the Company:

J. Russell – System Labour Relations Officer, Montreal
T. D. Ferens – Manager Labour Relations, Montreal
A. L. Marshall – Regional Manager Work Equipment, Moncton

And on behalf of the Brotherhood:

P. A. Legros – System Federation General Chairman, Ottawa
R. Y. Gaudreau – Vice-President, Ottawa
J. J. Roach – General Chairman, Moncton

AWARD OF THE ARBITRATOR

On the material presented the Arbitrator cannot conclude that the Union has discharged the onus which it has to establish that Mr. Beers is qualified for the position of Field Maintainer. The evidence does not disclose that he possesses the knowledge or experience in troubleshooting on the particular pieces of equipment for which the Field Maintainer is independently responsible.

For these reasons the grievance must be dismissed.

DATED at Toronto this 26th day of November, 1986.

(signed) MICHEL G. PICHER
Arbitrator