

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 1623

Heard at Montreal, Thursday, February 12, 1987

Concerning

CANADIAN PACIFIC LIMITED

and

RAIL CANADA TRAFFIC CONTROLLERS

DISPUTE:

Discipline assessed Train Dispatcher C. R. Hartley, Calgary, Alberta.

JOINT STATEMENT OF ISSUE:

On December 2, 1984, Train Dispatcher C. R. Hartley was working the 0001 until 0800 shift (third trick) Dispatcher's position on the East Desk in the Calgary Dispatching Centre. Part of the Territory over which Dispatcher Hartley exercised control of train movements included the Brooks Subdivision between Calgary and Medicine Hat.

At 0514, Dispatcher Hartley completed a train order No. 206 to the Operator at Alyth. This order was required to be issued to the Operator at Gleichen and was completed at 0616. The train order book did not contain a notation that when train order No. 206 was repeated by the Gleichen Operator another Operator, who had previously received the order was checking the repeat.

Following a Company investigation into the events surrounding this incident, Dispatcher Hartley was issued a Form 104 discipline notice stating that she had received ten demerit marks for "failing to record in the train order book the office checking the repeat by Operator Gleichen of train order No. 206, violation U.C.0. Rule 206, paragraph 2, Brooks Subdivision, December 2, 1984".

The Union contends that the discipline assessed Train Dispatcher Hartley is improper, unwarranted and in any event excessive.

The Company contends that the discipline is appropriate.

FOR THE UNION:

(SGD.) D. H. ARNOLD
SYSTEM GENERAL CHAIRMAN

FOR THE COMPANY:

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

There appeared on behalf of the Company:

F. D. Beattie – Superintendent Transportation, Pacific Region
J. W. McColgan – Labour Relations Officer, Montreal
R. T. Bay – Labour Relations Assistant, Pacific Region

And on behalf of the Union:

D. H. Arnold – System General Chairman, Winnipeg

AWARD OF THE ARBITRATOR

The material before the Arbitrator establishes that Train Dispatcher Hartley did fail to record in the train order book the check of the repeat by the Operator at Gleichen. It is not disputed that is a violation of the Uniform Code of Operating Rules. The grievor's record indicates at least one prior instance in which she was disciplined for an infraction relating to train movements. That event, which occurred only one year prior, resulted in the imposition of 30 demerit marks. In the circumstances, the Arbitrator cannot conclude that the ten demerits assessed against Train Dispatcher Hartley were not appropriate. Her grievance must therefore be dismissed.

(signed) MICHEL G. PICHER
ARBITRATOR