

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2787

Heard in Calgary, Tuesday, 12 November 1996

concerning

CANADIAN PACIFIC RAILWAY

and

**CANADIAN COUNCIL OF RAILWAY OPERATING UNIONS
(UNITED TRANSPORTATION UNION)**

DISPUTE:

The Council claims that the Company was in violation of the collective agreement when it redesignated the previously bulletined position(s) of the required trainmen to that of non-required trainmen in assigned freight pools Sutherland, Wilkie and Wynard, Saskatchewan, on or about April 17, 1994.

JOINT STATEMENT OF ISSUE:

The Council contends that the Conductor-Only Agreement requires that all positions, both required and non-required, be advertised at any change or establishment of a crew or crews or assignment.

The Council further contends that the bulletins for required and non-required first brakemen in Conductor-Only territory were dependent upon the actual ratio of trains operated on the subdivision required a trainman or operational purposes. Such a ratio was reflected in the advertisement for the required or non-required trainmen at the General Advertisement of Assignments.

The Council finally contends that the Company, by redesignating positions as non-required regardless of the ratio of trains operated on a subdivision requiring a trainman, has negatively affected its members seniority rights and earnings potential.

The Company has declined the Council's grievance.

FOR THE COUNCIL:

(SGD.) L. O. SCHILLACI
GENERAL CHAIRMAN

FOR THE COMPANY:

(SGD.) S. SEENEY
FOR: DISTRICT GENERAL MANAGER, BC DISTRICT

There appeared on behalf of the Company:

M. E. Keiran	– Manager, Labour Relations, Calgary
R. E. Wilson	– Director, Labour Relations, Calgary
S. Seeney	– Manager, Labour Relations, Calgary
R. V. Hampel	– Labour Relations Officer, Calgary
R. M. Smith	– Labour Relations Officer, Calgary
J. C. Copping	– Labour Relations Officer, Calgary

And on behalf of the Council:

L. O. Schillaci	– General Chairman, Calgary
J. K. Jeffries	– Vice-General Chairman, Cranbrook
B. McLafferty	– Vice-General Chairman, Moose Jaw
D. H. Finsson	– Secretary, Saskatoon

At the request of the parties, the Arbitrator adjourned the hearing *sine die*.