

# CANADIAN RAILWAY OFFICE OF ARBITRATION

## CASE NO. 3205

Heard in Montreal, Thursday, 12 July 2001

concerning

**CANPAR**

and

**UNITED STEELWORKERS OF AMERICA (LOCAL 1976)  
(TRANSPORTATION COMMUNICATIONS UNION)**

### **DISPUTE:**

Regarding the issuance of 30 demerits against Mr. Ken Morrison's employment record for an alleged "unauthorized absenteeism December 21, 22, 2000". Further, for not being paid December 21, 22, 25, 26, 2000 and for being suspended without pay January 8, 2001.

### **JOINT STATEMENT OF ISSUE:**

The Union contends Mr. Morrison booked his vacation time from December 24 to 30, 2000 in the proper manner in accordance with article 13 of the collective agreement.

The Union asserts that on or about December 13, 2000 Mr. Morrison realised that during the Christmas week only 3 of his 5 vacation days booked would be used. The Union argues on December 13, 2000 Mr. Morrison spoke with Supervisor Mr. Chris Grothen and requested the dates of December 21 and 22 off as vacation days to complete his 5 days of remaining vacation time. On December 18, 2000 the Union states Mr. Morrison informed the other terminal supervisor Mr. Kevin Maddick who had been absent from the terminal a few days prior that he had booked December 21 and 22 off with Mr. Grothen the previous week.

The Union argued Mr. Morrison was not on unauthorized leave December 21 and 22 but that he was cleared for and was on vacation at that time. The Union requested payment for the vacation days of December 21 and 22, for the general holidays 25 and 26, and for the day he was suspended January 8, 2001.

Further, the Union grieved that Mr. Morrison did not deserve the 30 demerits he was disciplined and requested those be removed from his employment record.

The Company denied the grievance.

**FOR THE UNION:**

**(SGD.) D. NEALE**  
**VICE-PRESIDENT/FST**

**FOR THE COMPANY:**

**(SGD.) P. D. MACLEOD**  
**VICE-PRESIDENT, OPERATIONS**

There appeared on behalf of the Company:

P. D. Macleod – Vice-President, Operations  
C. Grothon – Supervisor, Kitchener

And on behalf of the Union:

D. Byfield – Chief Steward, Local 1976, Mississauga  
N. Lapointe – President, Local 1976, Montreal  
K. Morrison – Grievor

*The matter was resolved between the parties at the arbitration hearing, and therefore no award will be issued.*