

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 3287

Heard in Montreal, Thursday, 12 September 2002

concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

UNITED TRANSPORTATION UNION

EX PARTE

DISPUTE:

Assessment of twenty (20) demerits to K.K. Abernethy of Prince George, BC, for failure to report for duty and delay to assignment.

EX PARTE STATEMENT OF ISSUE:

Mr. Dan Abernethy was called by the Crew Management Centre to work the 0600 Utility Person assignment in Prince George on March 25, 2002.

In his previous experience working this position, Mr. Abernethy had found that much of the time he was inside a vehicle driving crews, delivering lists, tailing tracks and other such duties. Accordingly, Mr. Abernethy came to work wearing footwear suitable for these duties; leather work boots. Upon arrival at work Mr. Abernethy was informed that an error had been made and that he would be required to work as a yard helper, a position requiring him to be outside for extended periods of time. Mr. Abernethy requested permission to go home and get suitable work boots. Permission was refused. A discussion ensued and Mr. Abernethy was removed from service. Following an investigation Mr. Abernethy was assessed twenty (20) demerits for failing to report for duty properly prepared and for delay to assignment.

The Union contends that the discipline is unwarranted and, in any event, extreme and should be expunged from Mr. Abernethy's record.

The Company disagrees.

FOR THE UNION:

(SGD.) B. J. HENRY
GENERAL CHAIRPERSON

There appeared on behalf of the Company [*among others*]:

S. M. Blackmore – Manager, Human Resources, Edmonton
D. N. Kruk – Counsel, Edmonton

And on behalf of the Union: [*among others*]

H. F. Caley – Counsel, Toronto
B. R. Boechler – Vice-General Chairperson, Edmonton
D. K. Abernethy – Grievor

The matter was resolved between the parties at the hearing, and no award issued.