

**CANADIAN RAILWAY OFFICE OF ARBITRATION
& DISPUTE RESOLUTION**

CASE NO. 3541

Heard in Montreal, Wednesday, 15 February 2006

Concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

UNITED TRANSPORTATION UNION

DISPUTE:

Assessment of a 30 day suspension to Conductor S. Gordon Thomas of Edmonton for conduct unbecoming an employee.

JOINT STATEMENT OF ISSUE:

On May 17, 2000 Conductor Thomas was working a tour of duty in Bissell Yard. When Conductor Thomas, who thought his work was complete, was assigned more work, he became upset and left an admittedly inappropriate message on his supervisor's voice mail. He apologized to his supervisor the next. The following day Conductor Thomas was required to provide an employee statement.

Following the statement, Conductor Thomas was assessed a 30 day suspension for conduct unbecoming an employee.

The Union contends that Conductor Thomas' actions, while inappropriate, were certainly not deserving of a 30 day suspension.

The Union requests that the 30 day suspension should be removed from his record and a lesser penalty be substituted.

The Company disagrees.

FOR THE UTU:

(SGD.) R. A. HACKL
VICE-GENERAL CHAIRPERSON

FOR THE COMPANY:

(SGD.) K. MORRIS
MANAGER, LABOUR RELATIONS

There appeared on behalf of the Company:

K. Morris – Manager, Labour Relations, Edmonton
J. Torchia – Sr. Manager, Labour Relations, Edmonton
L. Quilichini – Assistant Superintendent, Transportation, Edmonton

And on behalf of the Unions:

- D. Ellickson – Counsel, Toronto
- R. A. Hackl – Vice-General Chairperson, Edmonton
- B. R. Boechler – General Chairman, Edmonton
- G. S. Thomas – Grievor

During the course of the arbitration hearing the matter was resolved between the parties and therefore no award was issued.