

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

CASE NO. 3564

Heard in Montreal, Thursday, June 15, 2006

Concerning

CANADIAN PACIFIC RAILWAY COMPANY

and

TEAMSTERS CANADA RAIL CONFERENCE

DISPUTE:

Involves the Company's refusal to expunge 25 demerit marks from Conductor J.V. Seberras' work record.

JOINT STATEMENT OF ISSUE:

Conductor J.V. Seberras received a CP form 108 assessing his work record with 25 demerit marks for:

"conduct unbecoming an employee of Canadian Pacific Railway, as evidenced by your attempted removal of Company material (motor oil), intended for personal use, without proper authorization, as well as rendering false and misleading information through your investigation, relating to your unfounded assertions relating to 'permission' granted by the Crew Bus Driver(s), all at Toronto Yard, on June 11, 2002."

The Union appealed this decision of the Company with argument that Mr. Seberras was in fact seeking permission for the oil and when advised to put it back he did. At no time was the oil used for Mr. Seberras' personal use.

With letter dated February 28, 2005 the Company declined the Union's request.

FOR THE UNION:

(SGD.) D. GÉNÉREUX
GENERAL CHAIRMAN

FOR THE COMPANY:

(SGD.) D. E. FREEBORN
FOR: DISTRICT GENERAL MANAGER

There appeared on behalf of the Company:

A. Azim	– Labour Relations Officer, Calgary
J. Romaine	– Labour Relations Officer, Calgary
D. Freeborn	– Labour Relations Officer, Calgary
N. Richards	– Yard Manager, Toronto
D. Purdon	– Road Manager, Toronto
D. Duquette	– Yard Manager, Oshawa

D. Hoppenreys – Service Area Manager
I. Galioto – Yard Manager, Toronto

And on behalf of the Union:

D. Genereux – General Chairman, Oka
B. Hiller – Vice-General Chairman,
R. Gallop – Local Chairman, Toronto
T. Beaver – General Chairman, Oshawa
J. V. Seberras – Grievor

AWARD OF THE ARBITRATOR

For the reasons related in **CROA&DR 3567**, the grievance is dismissed.

June 16, 2006

(signed) M. BRIAN KELLER
ARBITRATOR