

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

**SUPPLEMENTARY AWARD IN  
CASE NO. 3894**

Heard in Montreal, Thursday, 15 April 2010

concerning

**CANADIAN NATIONAL RAILWAY COMPANY**

and

**TEAMSTERS CANADA RAIL CONFERENCE**

On Tuesday, 13 July 2010, there appeared on behalf of the Company:

D. Crossan	– Manager, Labour Relations, Prince George
D. VanCauwenbergh	– Director, Labour Relations, Toronto
D. Brodie	– Manager, Labour Relations, Edmonton
G. Wolnairski	– Assistant Superintendent, Transportation, Winnipeg

And on behalf of the Union:

D. Ellickson	– Counsel, Toronto
B. R. Boechler	– General Chairman, Edmonton
R. A. Hackl	– Vice-General Chairman, Edmonton
M. Rutzki	– GST/LC, Melville
J. Dwyer	– Local Chairman, Saskatoon

**SUPPLEMENTARY AWARD OF THE ARBITRATOR**

The material before the Arbitrator confirms that following the direction that the grievor be reinstated “forthwith” there was in fact a delay in his return to work which appears to have been occasioned by the Company’s failure to arrange for the timely administration of the grievor’s renewal of his rules certification. I am satisfied that at

least one week was lost in the process, apparently by reason of the absence from work of two separate managers. With respect, it was incumbent upon the Company to respond to the directive of this Office, regardless of the absence from work of any particular management personnel.

The Arbitrator does not dispute the position of the Company that requiring an employee who has been away from work for between six and twelve months to undergo rules certification and medical clearance to perform a highly safety sensitive position is appropriate. To that extent, some degree of delay prior to actually returning to work following an award of this Office is not unusual. Where, however, the Company fails in the application of normal diligence, different considerations may apply.

The Arbitrator therefore directs that the grievor be compensated for one week's earnings, based on an appropriate averaging formula. I retain jurisdiction in the event of any dispute with respect to the calculation of quantum.

July 19, 2010

**(signed) MICHEL G. PICHER**  
**ARBITRATOR**