

CANADIAN RAILWAY OFFICE OF ARBITRATION
& DISPUTE RESOLUTION
CASE NO. 4350

Heard in Montreal, January 13, 2015

Concerning

CANADIAN NATIONAL RAILWAY COMPANY

And

TEAMSTERS CANADA RAIL CONFERENCE

DISPUTE:

Discharge of Locomotive Engineer Thomas Ceglarski for “conduct unbecoming towards company officers on September 27th, 2013”.

THE COMPANY’S EXPARTE STATEMENT OF ISSUE:

On September 27th, 2013 the grievor was required to attend an employee investigation. Prior to the investigation proceeding, the grievor exhibited verbal and bodily behaviour that was insubordinate towards three Company Officers.

The Company conducted an investigation and determined that the grievor’s conduct was gross insubordination and discharge was the appropriate discipline.

The Union contends that the Company has not met the burden of proof in terms of supporting any violation of conduct, and requests that he discipline be expunged in its entirety and that the grievor be returned to active service and that he be made whole for any loss of wages and benefits.

The Company disagrees.

FOR THE UNION:
(SGD.)

FOR THE COMPANY:
(SGD.) K. Morris for D. VanCauwenbergh
Director, Labour Relations

There appeared on behalf of the Company:

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| K. Morris | – Senior Manager, Labour Relations, Edmonton |
| P. Payne | – Manager Labour Relations, Edmonton |
| R. Baker | – Transportation Supervisor, |
| J. Shields | – Manager, Labour Relations, Edmonton |
| V. Paquet | – Labour Relations Manager, Toronto |
| D. Larouche | – Labour Relations Manager, Montreal |

There appeared on behalf of the Union:

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| A. Stevens | – Counsel, Caley Wray, Toronto |
| B. Ermet | – Senior Vice General Chairman, Edmonton |


AWARD OF THE ARBITRATOR

The grievor has seven years of service with a significant disciplinary record and at the time of this incident, had forty active demerits in addition to suspensions. This grievance arises from his conduct in a meeting with supervisors which was convened to deal with time claim issues.

Notably, the Company advises that the grievor was discharged on November 19, 2013 for the submission of fraudulent time claims for training rates. The company says that no grievance has been advanced in that matter. The Company acknowledges that in view of those facts, the instant grievance concerning the grievor's conduct at the meeting, has no impact upon his job. However, the company is not prepared to let this grievance languish.

Given that the grievor was discharged for an unrelated offence, an inquiry into and disposition of this case has no effect. It is moot. In the event that the facts of the disposition of the time claim case is not as described herein, I remain seized to deal further with this case. If not, this grievance is dismissed.

February 5, 2015



MARILYN SILVERMAN
ARBITRATOR