

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

CASE NO. 5186

Heard in Ottawa, June 10, 2025

Concerning

CANADIAN PACIFIC KANSAS CITY RAILWAY

And

TEAMSTERS CANADA RAIL CONFERENCE

DISPUTE:

The appeal of the 30-day suspension assessed to Locomotive Engineer Istvan (Steve) Berden ("the Grievor") of Mactier, Ontario on May 1, 2024.

JOINT STATEMENT OF ISSUE:

Following a formal investigation, the Company issued Form 104 to Locomotive Engineer Istvan Berden on May 1, 2024. As part of CPKC's conclusion to its investigation, the Form 104 states:

"In connection with your tour of duty on train 9TEC-01 where you allegedly occupied the mainline without authority"

"Formal investigation was conducted on April 17, 2024, to develop all the facts and circumstance in connection with the referenced occurrence. At the conclusion of that, investigation (*sic.*) it was determined the investigation record as a whole contains substantial evidence proving you violated the following:

- Rule Book for T&E Employees, Section 15, item 15.2 – Copying
- Rule Book for T&E Employees, Section 15, item 15.2 – Superseding
- Rule Book for T&E Employees, Section 15, item 15.2 – Remaining in Effect" The Union disputes CPKC's conclusions.

Union Position:

The Union reserves its right on its positions made throughout correspondence and grievances.

The Union will not duplicate all arguments presented in grievances and correspondence but relies on them. The Union stands by all of its positions put forth. The Union reserves its rights to object and respond to any new positions presented by the Company.

Without limiting the generality of those positions, the Union asserts the following:

On April 4, 2024, Locomotive Engineer Istvan Berden was working train 9TEC-01 on the Parry Sound Subdivision with Conductor P. Kumar and Locomotive Engineer Trainee J. Dennys. The crew was operating under Work Clearance No. 238, issued by the RTC, which authorized bidirectional movement between Signal 1127 at St. Cloud and South Siding Switch Point Au Baril.

After clearing into the siding to allow other trains to pass, the crew re-entered the main track at North Siding Switch Point Au Baril and remained stationary. A request was made to the RTC for a new clearance to proceed/work beyond the previous limits.

A brief and informal discussion took place between the conductor and the RTC regarding the crew's location, prior to the issuance of the new clearance. No formal location verification was requested or obtained by the RTC despite the requirements of CROR 302.2©. The RTC then issued Work Clearance No. 246, intended to supersede the prior authority without the new limits inclusive of the crew's actual location occupying the mainline.

During the conductor's quick read-back of the new clearance, both Mr. Berden and the Locomotive Engineer Trainee recognized the discrepancy and attempted to intervene. At that point, unauthorized transmissions from a Tech Car Manager — a CPKC employee from a non-operations department with no authority in train movement communications — disrupted the communication channel. The manager's transmissions clogged the radio and directly interfered with Mr. Berden's attempt to stop the clearance from being finalized.

The RTC acknowledged the clearance as "complete," finalizing authority that did not protect the train's actual location. The crew was removed from service the same day. A formal investigation was conducted on April 17, 2024. On May 1, 2024, the Company issued Form 104 assessing a 30-day suspension to Mr. Berden. The Union subsequently filed a grievance.

Substantive Position:

1. Procedural Fairness Concerns

The Company's process was procedurally flawed and fundamentally unfair. The RTC did not adequately confirm the crew's location before issuing a superseding clearance contrary to the requirements of CROR Rule 302.2. Mr. Berden and his trainee immediately recognized the clearance did not protect their position and attempted to intervene during the repeat. That attempt was obstructed by unauthorized radio transmissions from a non-operational CPKC manager. Despite this, Mr. Berden voiced his objection, and the RTC initially responded that the clearance was "not complete yet." When the RTC attempted to amend the clearance, it had already been finalized by the system. The Union submits that this breakdown — where a timely and appropriate intervention was acknowledged but rendered ineffective by system limitations — exposes a critical procedural failure and disconnect between rules, practice, and system functionality.

2. Misalignment of Governing Standards

The Union notes that the charges against Mr. Berden were framed under the T&E Rule Book. However, the clearance in question involved the application of CROR Rule 302.2(c), which requires both the conductor and locomotive engineer to acknowledge a superseding clearance that restricts existing authority. Mr. Berden acted in accordance with this rule by attempting to intervene. The Union submits that the governing standard in this instance is a CROR provision, not internal protocol, and reserves all positions regarding the procedural and disciplinary implications of this misalignment.

3. Systemic Rule Ambiguities

The incident arose from systemic ambiguities in the interaction between CROR Rules 121 and 302.2 and CPKC's internal clearance handling protocols. These discrepancies created uncertainty regarding who must acknowledge a clearance, when it becomes effective, and how objections are managed in real-time. The Union maintains that these ambiguities contributed materially to the events in question and exposed Mr. Berden to risk not of his own making.

4. Mitigating Individual Factors

Mr. Berden was mentoring a trainee at the time and responsible for multiple operational elements. He acted promptly to prevent an error and was obstructed by an unauthorized third party. These are significant mitigating factors that distinguish his conduct from the rest of the crew.

5. Equal Discipline Without Individual Assessment

Discipline was applied uniformly to all crew members without regard to their distinct roles, responsibilities, or actions. The Union submits this approach conflicts with the principle of individualized assessment under just cause standards.

6. Failure to Apply Progressive Discipline

The 30-day suspension was imposed without prior corrective steps or proportional context. The Union maintains that this penalty is punitive and inconsistent with the principle of progressive discipline recognized in Canadian Labour law.

Remedy:

Accordingly, the Union seeks that the 30-day suspension be rescinded and that Mr. Berden be made whole for all associated financial losses. In the alternative, the Union requests that the Arbitrator exercise discretion to mitigate the penalty. The Union expressly reserves the right to respond to any new arguments or evidence advanced by the Company in these proceedings.

Company Position:

The Company has reviewed the grievance in its entirety and disagrees with the Union's contentions and requested resolution.

The Company disagrees with the Union's allegation that the discipline was unjust, unwarranted and disproportionate.

The Company disagrees with the Union's characterization of the incident and disagrees with the Union's identified mitigating factors as having justifying the incident in any meaningful way. Discipline was assessed after culpability was established following a fair and impartial investigation and in consideration of all pertinent factors, including those described by the Union. The Company maintains that the discipline was properly assessed in accordance the Hybrid Discipline and Accountability Guidelines and in line with the principles of progressive discipline.

The Company's position continues to be that the discipline assessed was just, appropriate and warranted in all the circumstances. Accordingly, the Company cannot see a reason to disturb the discipline assessed.

For the Union:

(SGD.) J. Bishop

General Chairperson

For the Company:

(SGD.) F. Billings

Director Labour Relations

There appeared on behalf of the Company:

S. Oliver	– Manager, Labour Relations, Calgary
E. Carriere	– Manager, Labour Relations, Calgary

And on behalf of the Union:

K. Stuebing	– Counsel, Caley Wray, Toronto
J. Bishop	– General Chairperson, LE-E, Severn
S. Orr	– Senior Vice General Chairperson, LE-E, Smithsfall
JP. Molnar	– Secretary Treasurer, LE-E,
D. Psychogios	– General Chairperson, CTY-E, Montreal
J. Diggles	– Senior Vice General Chairperson, CTY-E, Mactier
B. Baxter	– Junior Vice General Chairperson, CTY-E, Toronto

AWARD OF THE ARBITRATOR

Context

1. The Grievor is a Locomotive Engineer with 33 years of seniority. His discipline record is relatively good, with one 30-day suspension from 2015, but no serious incidents for the last 10 years.
2. The present matter concerns the Grievor's role in a May 2024 incident when the crew gave up a clearance, where the superseding clearance did not cover the actual location of their stationary train. In so doing, the crew was found to have occupied a Main line without authority and all members were given 30-day suspensions.

Issues

- A. Was the Grievor culpable of acts or omissions which render him liable for discipline?
 - B. Is the discipline imposed reasonable in the circumstances or should some lesser penalty be substituted?
-
- A. Was the Grievor culpable of acts or omissions which render him liable for discipline?**

Position of Parties

The Company takes the position that the Grievor was culpable of multiple T and E Rule violations, which resulted in his train being left on a Main line without authority. It submits that the Grievor clearly failed to intervene before the RTC gave a clearance which did not include the current location of his train. Such incidents can lead to very serious accidents, as the entire system is based on positive control of train movement.

The Union takes the position that the Grievor acted appropriately, where the Rule violations occurred as a result of errors made by the Conductor, RTC and Director of

Track Maintenance, together with system failures which prevented corrections to be made in a timely manner.

Analysis and Decision

3. The Parties agree that the Grievor's train was operating in an area under an Occupancy Control System ("OCS") where Automatic Block Signaling Rules applied. This meant that the train crew needed to communicate with the RTC via radio in order to proceed into the next block. The Company calls this "Dark Territory", while the Union questions this characterization. Both sides agree though that the RTC does not have real time information as to the location of the train, unlike in other areas.
4. The Parties agree that the train had work clearance 238 which gave them the authority to work on the Main track between Mile 92 and South Siding Switch Pointe au Baril on the Parry Sound Subdivision. The crew performed work, conferred and agreed to ask for a new clearance from the South Siding Switch Point au Baril to Mile 22 (see Q and A 21 Berden, Tab 3, Union documents).
5. The RTC then issued a superseding clearance with new limits from the North Siding Switch Point au Baril to Mile 22 Parry Sound. Unfortunately, the train was located just north of the North Siding Switch, which then left the train unprotected.
6. The Grievor heard the incorrect clearance being given, and repeated by Conductor Kumar but did not intervene until confirmation of the superseding clearance was given by the RTC:

Q36: Referring to Appendix E, it states:

Kumar: "Item number one, 246, two four six, to work 22-27, two two two seven. Item two, number 238, two three eight is superseded. Item 4, work between North Siding switch Pointe Au Baril and mile 22, two two Parry Sound sub over.

RTC: "Eight complete MOB, Mike Oscar Bravo over"

Is this correct?

A36: Correct.

Q37: Prior to repeating the limits issued in clearance number 246 back to the RTC, did anybody in the crew discuss the limits that were issued?

A37: No

Q38: Can you explain why?

A38: We didn't discuss it because we didn't get the chance to discuss it because the repeat was given right away.

Q39: Can you state for the record what you were doing at the time the RTC issued the limits in clearance number 246?

A39: I was listening to the clearance being given and by the time Jamieson and I realized the inaccuracy of the clearance compared to our request, conductor Kumar had already began repeating the clearance.

Q40: At any point did you make an attempt to stop conductor Kumar from repeating the clearance limits?

A40: Yes

Q41: At what point throughout the repeat did you make the attempt to stop conductor Kumar from repeating the clearance limits?

A41: By the time Jamieson said what he said and I said something. I think conductor Kumar was already done repeating the limits.

Q42: Were the limits issued and repeated in Clearance number 246, the limits that you required to occupy the main line north of the North Siding switch Point Au Baril where your train was stopped?

A42: No

Q43: Are you familiar with Rule book for T&E employees, item 15.2 Copying (Read and Discussed)

Copying

When correctly repeated to the RTC by a crew member, the RTC will respond with the word "complete off and the initials of the RTC. Such must be recorded and acknowledged to the RTC by the crew member copying, by repeating as per the following example: "complete ERL, conductor Jones"

A clearance is in effect when the word "complete" and the initials of the RTC are stated.

A crew member copying must ensure that the conductor and locomotive engineer, also the pilot or snow plow foreman if any, receive a copy.

A43: I am familiar however I'm confused by the ambiguous wording of the rule. For example, 15.2 Copying (b), I took that as it's not in effect until the person copying repeats item 8. "A clearance is in effect when the word "complete" and the initial of the RTC are stated" and we caught the error before item (b) was fulfilled.

Q44: Referring to Q&A 36, did the RTC in fact state "Eight, complete MOB Mike Oscar Bravo over" after conductor Kumar repeated the authority limits within clearance number 246?

A44: According to the audio recording, the item 8 did happen, although with all of the radio interference at that time, we did not hear the first issued item 8 in the cab.

Q45: Are you familiar with Rule book for T&E employees, item 15.2 (Superseding) (read and discussed) Superseding

Prior to acknowledging a superseding clearance while the movement is occupying OCS, the conductor and locomotive engineer must verbally confirm that the new clearance contains the portion of track they currently occupy.

A crew member, or both the conductor and locomotive engineer if clearance restricts the authority already in the crew's possession, must acknowledge a superseding clearance to the RTC.

A45: Yes, I am familiar and as per Superseding (a), we complied.

Q46: Are you familiar with Rule book for T&E employees, item 15.2 (Remaining in effect) (read and discussed) Remaining In Effect A clearance remains in effect until fulfilled, cancelled or superseded. Once fulfilled, cancelled or superseded, an must be immediately drawn across all copies to avoid further use and all crew members advised.

A46: Yes

Q47: Referring to your previous answers, did clearance number 246 in fact take effect, prior to conductor Kumar asking the RTC to Standby?

A47: According to Company officers, the clearance did take effect, although, respectfully, I still believe there is a discrepancy in Item 15.2 COPYING (b) and SUPERCEDING (a).

Q48: Do you have anything further you wish to add to this investigation?

A48: We did make the effort to correct the incorrect clearance. We had no intention to operate on the superseded clearance that was issued to us. I even explained to the RTC that he issued us an incorrect clearance. This wasn't an oversight on our part, this was an error based on us not interrupting the RTC in time. (Underlining added)

7. It is noteworthy that the Grievor confirms at Q and A 48: "This wasn't an oversight on our part, this was an error based on us not interrupting the RTC in time".

8. The investigation of LE Trainee Dennys (Tab 6, Company documents) confirms that the Conductor had already repeated back the incorrect clearance when he intervened:

Q35: Referring to Appendix E, it states:

Kumar: "Item number one, 246, two four six, to work 22-27, two two two seven. Item two, number 238, two three eight is superseded. Item 4, work between North Siding switch Pointe Au Baril and mile 22, two two Parry Sound sub over.

RTC: "Eight complete MOB, Mike Oscar Bravo over"

Is this correct?

A35: Yes, as per Appendix E however I did not hear item 8 as there was a lot of congestion on the radio. Mr. Weshka was talking on the radio trying to stop the RTC and it was interfering with the RTC's transmission of item 8. I caught the error when I heard Conductor Kumar repeat back North Siding Switch Point Au Baril, and that we wouldn't be protected where we were stopped. I then stood up and began expressing my concern to the crew stating that we would not be protected. I told conductor Kumar that we can't take this clearance. (Underlining added)

9. This is also confirmed in the investigation of Conductor Kumar (Tab 7 Company documents) at Q and A 42:

Q42: Referring to your previous answer, what do you mean you never completed the clearance 246?

A42: After I repeated the limits, Steve Berden and Jamieson Dennys told me to stop as they were not the right limits. I then heard Director Weshka call out over the radio to the RTC, and I asked the RTC to stand by. Looking back at Appendix E, I was telling the RTC to stand by while he was saying item 8. I was unaware that he had gave a "complete" until the second time he stated item 8. (Underlining added)

10. Given that the superseding clearance was given by the RTC before the Grievor reacted, he must bear some responsibility for the fact that his train was left without protection. I find that the Grievor is therefore subject to discipline. The extent of that discipline will be examined next.

- B. Is the discipline imposed reasonable in the circumstances or should some lesser penalty be substituted?**

Position of Parties

The Company submits that the T and E Rule violations are extremely serious, with potentially very serious consequences. It submits that a 30 day suspension is appropriate, given the facts of the case, the Grievor's record and the arbitral jurisprudence.

The Union submits that the discipline imposed is much too harsh, given the limited involvement of the Grievor and his immediate attempts to rectify the error of the Conductor and RTC. It notes that the train was stationary and that the Grievor never acted on the incorrect clearance.

Analysis and Decision

11. In **CROA 4886**, Arbitrator Yingst-Bartel upheld the discharge of a grievor who had failed to adhere to a clearance, particularly in light of earlier offences. In **CROA 4689**, Arbitrator Hornung assessed a 55-day suspension for a Conductor who had misread a clearance document which could have resulted in a head on collision with a train carrying dangerous goods. In **CROA 4400**, Arbitrator Silverman found that a grievor who moved a train without proper authority had committed a "clear Rule violation (as) proper work authority is essential to the safety of train operations". A 30-day suspension was reduced to 10 days.
12. There can be no doubt that occupying a Main line track without authority is extremely serious, with potentially devastating consequences.
13. The **William Scott** matter enjoins labour arbitrators to consider a multitude of aggravating and mitigating factors when considering whether the discipline imposed was reasonable.
14. The aggravating factors present here begin with the obvious very serious nature of the infraction. In addition, the Grievor, unlike the other members of his crew, is not obviously remorseful.

15. There are, however, multiple mitigating factors. The Grievor is an employee with very long service at 33 years. His discipline record is reasonably good, particularly in the last 10 years.
16. The Grievor was not the primary person responsible for the error. It was the Conductor who was in communication with the RTC and repeated the incorrect clearance information back, without consulting with the other crew members.
17. While the Grievor did not intervene in time to stop the incorrect clearance being confirmed by the RTC, he did intervene immediately thereafter, together with the LE Trainee. The audio transcript confirms immediate attempts by the Grievor, the LE Trainee and the Director of Track Maintenance to intervene to correct the clearance:

RTC: Number 246 2-4-6 to work 22-27. 22-27 to number 238-2-3-8 is superseded for work between north. Its n-o-r-t-h. Its north siding switch, point Au Baril. In mile 22-2-2 Parry Sound Sub. 246 okay to repeat over.

Person 1: Item number one 246-2-4-6 to work 22-27 – 2-2-2-7 Item two number 238-2-3-8 is still superseding Item four work between north siding switch Au Baril and mile 22 – 2-2 Parry Sound Sub, over

RTC: It's complete MOB Mike Oscar Bravo, over

Director of Track Maintenance: RTC Mike Weschka

RTC: It's complete MOB Mike Oscar Bravo

Director of Track Maintenance: Please stand by

Person 1: RTC work 22-27 here you want to look at that clearance there you just gave us

RTC: I gave you 22-27

Person 1: RTC work 22-27, over

RTC: CPKC work 22-27 CPKC RTC, over

Person 1: That clearance number 246 so you superseded 238 and you've given us from north siding switch point Au Baril to mile 22

RTC: Correct.

Person 1: Do you not have to give us limits north of us, over. So, we're protected

RTC: Ok so the clearance that you have now is from what to what?
238

Person 1: Why don't you just give us a worker from the south without superseding our original one and giving us one from the south siding switch to mile 22

RTC: You can't have two workers. So, you told me you are on the main at point Au Baril and you asked for south siding switch point Au Baril to mile 22. So, I gave you north, which includes the main at point Au Baril and gives you up to mile 22. Correct?

Person 2: We're north – we're sitting at the north switch on the main so we're north of the north switch looking at it. We need something further back

RTC: Okay, standby do not move please - standby

Person 2: Anything - anything north of mile 49 would work

RTC: Okay the clearance is unacknowledged as of now so it's like stuck in the system. Yeah just – let me look into this one, I'll get back to you in two minutes. (Underlining added)

18. It is noteworthy that the train was stationary and the Grievor never acted on the new clearance. This matter is not like other cases, where the train was moving without authority into a potentially dangerous situation.
19. The matter is also somewhat unique, as an outside authority, the Director of Track Maintenance, intervened directly with the RTC, in an attempt to correct the erroneous clearance. Unfortunately, it also had the effect of making the Grievor's attempts to communicate with the RTC more difficult, given the more powerful TEC crew radio.
20. There also appears to be at least some confusion as to the interplay between CROR 302.2(c), and the T and E confirmation requirements. CROR 302.2 and T and E Section 15, item 15.2 read as follows:

302.2 SUPERSEDING A CLEARANCE

- A clearance may be issued superseding a clearance already in possession of the crew of the train or transfer addressed.
- When superseding a clearance that includes limits the train or transfer is occupying, the superseding clearance must

include that section of track and must not include a requirement to wait until the arrival of an opposing train or transfer.

- If a superseding clearance restricts the authority already in possession of the train or transfer addressed, the RTC must not take further action until it has been acknowledged by the conductor and locomotive engineer.

T&E, Section 15, item 15.2

Copying

- When correctly repeated to the RTC by a crew member, the RTC will respond with the word “complete” and the initials of the RTC. Such must be recorded and acknowledged to the RTC by the crew member copying, by repeating as per the following example: “complete ERL, conductor Jones”.
- A clearance is in effect when the word “complete” and the initials of the RTC are stated Page 10 of 15
- A crew member occupying must ensure that the conductor and locomotive engineer, also the pilot or snow plow foreman if any, receive a copy.

Remaining in Effect

- A clearance remains in effect until fulfilled, cancelled or superseded.
- Once fulfilled, cancelled or superseded, an “X” must be immediately drawn across all copies to avoid further use and all crew members advised.

Superseding

Prior to acknowledging a superseding clearance while the movement is occupying OCS, the conductor and locomotive engineer must verbally confirm that the new clearance contains the portion of track they currently occupy.

A crew member, or both the conductor and locomotive engineer if clearance restricts the authority already in the crew's possession, must acknowledge a superseding clearance to the RTC.
(underlining added)

21. It is not obvious which actions would constitute a “restriction of authority”, requiring acknowledgement from both the conductor and the LE. While the T and E Rule requires the conductor and LE to “verbally confirm that the new clearance contains the portion of track they currently occupy”, it is not clear whether that confirmation

takes place within the cab or to the RTC. The confusion amongst the crew as to the meaning of the Rules is manifest. The Grievor expressed confusion:

Q43: Are you familiar with Rule book for T&E employees, item 15.2 Copying (Read and Discussed)

Copying

- When correctly repeated to the RTC by a crew member, the RTC will respond with the word "complete and the Initials of the RTC. Such must be recorded and acknowledged to the RTC by the crew member copying, by repeating as per the following example: "complete ERL, conductor Jones.
- A clearance is in effect when the word "complete" and the initials of the RTC are stated.
- A crew member copying must ensure that the conductor and locomotive engineer, also the pilot or snow plow foreman if any, receive a copy.

A43: I am familiar however I'm confused by the ambiguous wording of the rule. For example, 15.2 Copying (b), I took that as it's not in effect until the person copying repeats item 8. "A clearance is in effect when the word "complete" and the initial of the RTC are stated" and we caught the error before item (b) was fulfilled.

[...]

Q46: Are you familiar with Rule book for T&E employees, item 15.2 (Remaining in effect) (read and discussed)

Remaining In Effect

- A clearance remains in effect until fulfilled, cancelled or superseded.
- Once fulfilled, cancelled or superseded, an "X" must be immediately drawn across all copies to avoid further use and all crew members advised.

A46: Yes

Q47: Referring to your previous answers, did clearance number 246 in fact take effect, prior to conductor Kumar asking the RTC to Standby?

A47: According to Company officers, the clearance did take effect, although, respectfully, I still believe there is a discrepancy in Item 15.2 COPYING (b) and SUPERCEDING (a).

22. The answers of LE Trainee Denny are to the same effect:

Q40: Are you familiar with Rule book for T&E employees, item 15.2 Copying (Read and Discussed)

Copying

- When correctly repeated to the RTC by a crew member, the RTC will respond with the word "complete" and the initials of the RTC. Such must be recorded and acknowledged to the RTC by the crew member copying, by repeating as per the following example: "complete ERL, conductor Jones
- A clearance is in effect when the word "complete" and the initials of the RTC are stated.
- A crew member copying must ensure that the conductor and locomotive engineer, also the pilot or snow plow foreman if any, receive a copy.

A40: Yes, I am familiar with the rule, although I feel that there is a discrepancy in (b). As the headline of this rule is "COPYING", it is not clear to me if the clearance takes effect when the RTC or the Crew member that is copying, states the complete and RTC initials.

[...]

Q44: Referring to your previous answers, did clearance number 246 in fact take effect, prior to conductor Kumar asking the RTC to Standby?

A44: According to Company officers, the clearance did take effect, although, respectfully, I still believe there is a discrepancy in Item 15.2 COPYING (b)

23. Given the obvious confusion of the crew, it would appear helpful that the Company and Union review CROR and the T and E Rules to ensure understanding and compliance.

24. While the various mitigating factors mentioned above do not change the initial finding of culpability, they must weigh heavily in the balance when considering whether the 30-day suspension was reasonable in the circumstances. The most the Grievor can be accused of is not reacting as quickly as he might have. He did intervene and did have the clearance corrected, without acting on the erroneous clearance. In **CROA 4400**, the Grievor committed a Main line track violation by moving his train onto a section of track without authority and was assessed a 10 day suspension. The grievor there did have a clean discipline record, but had only one third of the lengthy seniority of the present Grievor.

25. Considering both the aggravating and mitigating factors, I cannot find that the penalty imposed was reasonable in the circumstances. A 30-day suspension represents a

financial penalty of some \$15,000. I find that penalty excessive, in light of the limited role played by the Grievor in the error committed, and the immediate intervention to have it corrected. In all the circumstances, I find that a suspension of one week would be appropriate.

Conclusion

26. The grievance is partially upheld, and the discipline is reduced from 30 days to 7 days. The Grievor should be made whole for the balance.

27. I remain seized for any questions of interpretation or application of this Award.

August 15, 2025

A handwritten signature in black ink, appearing to read "James Cameron", is written over a solid black horizontal line.

JAMES CAMERON
ARBITRATOR