



Teamsters Canada Rail Conference

Local Committee of Adjustment
Teamsters Canada Rail Conference
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Mr. Craig Ruff
Manager Road Operations
Canadian Pacific Railway
Medicine Hat, Alberta

August 31, 2009

RE: Policy grievance in regard to Bulletin # NMC 033-09

Dear Sir:

Please consider this a step 2 policy grievance in accordance with CTY Article 71.02, and Locomotive Engineer Article 22.02 of the current Collective Agreements between the Teamsters Canada Rail Conference and Canadian Pacific Railway. This grievance is being forwarded for your handling on behalf of both the Medicine Hat based Conductors and Locomotive Engineers.

This grievance is in regard to the Corporation's issuance of Bulletin # NMC 033-09, and the subsequent "enhancements" made to CMA to allow employees to voluntarily remove some or all of their miles earned in excess of 3800 miles. It appears from the wording of the bulletin that employees also have the option to decide which mileage period they would like to have their "over miles" reduced from.

This is contrary to the language of the MOS ratified on February 13, 2008 Book of Language D- Handling of Crews 1) Monthly Mileages (a), which states:

"Employees who commence work at the Home terminal prior to attaining the maximum mileage and subsequently exceed the maximum mileage upon return to the home terminal have the option to make such overmiles non-chargeable. In such cases the over miles will not be carried forward."

Clearly, there is no option stated within the contract language that would allow an employee to decide which mileage period he would like to have his over miles reduced from, as the over miles must be reduced upon arrival at the home terminal from the trip in which the over miles were earned. As such, they must be reduced from the mileage period in which you are currently working. There is no provision to reduce over miles once an employee makes his first pay trip in a subsequent mileage period after booking off for miles the previous mileage period, nor was that the intended meaning of this contract language when it was negotiated.

Further, the MOS language does not allow for an employee to arbitrarily decide the number of miles he wishes to have reduced. The language is very clear that if over miles are voluntarily reduced, that it must be **all** miles earned in excess of 3800. The bulletin additionally states that the Honour System

when reducing over miles will govern employees, and that a report will be provided to key stakeholders of all over miles reduced.

Division 322 thinks the honour system should have no application in this instance, as the CMA program should be created to provide for a simple "yes" or "no" question as to whether an employee wishes to reduce all over miles upon arrival at the home terminal from the trip in which 3800 miles were attained. We cannot understand why the Corporation would not wish to make this process as simple as possible, thus avoiding confusion and doubt amongst the employees affected.

Division 322 has contacted our CMA committee members, and we are informed that all 4 TCRC CMA committee members voiced their concerns and objections regarding Bulletin # NMC 033-09 prior to its release. We are further advised that the Corporation subsequently thanked the Committee for their input, and stated that the bulletin, and CMA enhancements would go forward status quo, regardless of the TCRC CMA committee members view on the subject.

It is the opinion of Division 322 that Bulletin NMC 033-09, and the CMA Mileage Reduction Program, in their current form, place employees in a position where they may, in error, reduce carry over miles that were not anticipated when the 2008 MOS contract language was drafted. This will undoubtedly lead to employees' miles being doubled, and criticisms from fellow employees. None of which would occur with a mutually agreed to bulletin and revised CMA Mileage Carry Over Reduction Program consistent with the MOS language. This leads to the creation of a scenario that is non-beneficial to both Canadian Pacific Railway, as well as employees erroneously reducing carry over miles that were not properly reduced as per the language of the MOS.

Therefore, it is the position of Division 322 that Bulletin # NMC 033-09, as well as the enhanced CMA Mileage Reduction Program violate 2008 MOS D-Handling of Crews 1) Monthly Mileages (a), and Article 17 Monthly Mileages CTY, as well, Article 33 Mileage Regulations LE. We take this position, as the Corporation has failed to neither manage over miles, nor seek mutual concurrence to the changes identified within Bulletin NMC 033-09.

We respectfully request, upon receipt of this grievance, that the Corporation rescind Bulletin NMC 033-09, and withdraw the CMA Mileage Reduction program until such time as a mutually acceptable bulletin and CMA program is arrived at between the TCRC and Canadian Pacific Railway.

Division 322 thanks you in advance for your time and attention to this matter, and await your response.

Yours truly,

A handwritten signature in black ink, appearing to read 'DJ Edward', with a stylized flourish at the end.

DJ Edward
Local Chairman, Conductors
TCRC Division 322
Medicine Hat, Alberta

Attachments:

- Bulletin NMC 033-22

NMC 033-09

August 19, 2009

SUBJECT: Reduction of Miles through CMA

Effective immediately, please note that CMA enhancements have been made that will allow employees with an ability to voluntarily reduce their miles, on an Honour System basis and subject to Collective Agreement provisions.

For example, and as reflected in the TCRC Memorandum of Settlement, employees who commence work at the Home Terminal prior to attaining the maximum mileage and who subsequently exceed the maximum mileage upon return to the Home Terminal, have the ability to make such overmiles non-chargeable and as a result, these overmiles will not be carried forward.

If you wish to reduce your miles, it will be necessary to perform the following:

Enter selection 15 (Mileage Inquiry) in MAC4

- In the 'Previous Period (Y/N)' field, enter a 'y' for changes required for the previous period or 'n' for changes required for the current period.
- In the 'Reduced' field, enter the mileage amount required to be reduced
- Press F5 to update.

Please note that monthly reports of those employees who reduce their miles will be generated and distributed to key stakeholders to help ensure that all mileage reductions are made in accordance with the relevant provisions of the TCRC Collective Agreement.

Crew Management Team