

IN THE MATTER OF AN ARBITRATION

BETWEEN:

CANADIAN PACIFIC RAILWAY

(the "Employer")

AND:

NATIONAL, AUTOMOBILE, AEROSPACE, TRANSPORTATION AND GENERAL
WORKERS UNION OF CANADA (CAW), LOCAL 101

(the "Union")

(Gary Hjelt Grievance #KMD0021)

ARBITRATOR:

Vincent L. Ready

COUNSEL:

Paul Wajda for
the Employer

Brian McDonagh for
the Union

HEARING:

December 20, 2005
New Westminster, BC

PUBLISHED:

December 22, 2005

The parties agreed I was properly constituted as an arbitrator under their Collective Agreement with jurisdiction to hear and determine the matter in dispute.

This arbitration concerns a grievance brought by the Union on behalf of Gary Hjelt, the grievor (grievance #KMD0021).

After hearing evidence and submissions I assisted the parties in reaching a resolution of this matter hereinafter referred to as the Settlement Agreement.

SETTLEMENT AGREEMENT

- The grievor is required to get a medical clearance prior to returning to work
- The grievor will have his physician complete the appropriate return to work forms by January 20, 2006
- Assuming the forms are completed properly and the grievor is cleared to work, he will return to work by January 31, 2006
- The grievor will return to work without back pay
- The grievor will have to requalify for vacation entitlements
- The Employer will not incur any additional costs whatsoever, regarding the grievor's pension

- The grievor will be expected to attend work on a regular basis and in no event will his absenteeism be greater than the average of the shop as calculated on a quarterly basis based on the previous quarter
- The grievor shall retain his seniority upon his return to work. However, on his return to work he will assume a vacant position and then will use his seniority to bid into future job postings.
- This Settlement Agreement constitutes full and final settlement of all matters arising out of grievance #KMD0021.
- This Agreement shall remain in effect from February 1, 2006 to January 31, 2008.
- I shall retain the necessary jurisdiction to resolve any dispute arising out of the implementation of this Agreement

All of which was agreed before me on this 20th day of December, 2005 at New Westminster, British Columbia.

Dated at the City of Vancouver in the Province of British Columbia this 22nd day of December, 2005.

Vincent L. Ready

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