

GENERAL COMMITTEE OF ADJUSTMENT

Bryan R. Boechler, Chairperson (1771)
Roland A. Hackl, Vice-Chairperson (1110)
Roland W. Barr, Vice-Chairperson (1356)
A. Wade Franko, Vice-Chairperson (1122)
Monte J. Rutzki, Secretary (1144)



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214 - 9622 - 42 AVENUE NW
EDMONTON, ALBERTA T6E 5Y4
TELEPHONE: (780) 468-2220
FAX: (780) 463-8560
E-MAIL: utuwest@telusplanet.net

CIRCULAR #02/08

January 9, 2007

TO: All Local Chairpersons & Reps - UTU

Re: Article 35 – Rest En Route Violations

Greetings:

As you are all aware, the Company's ignorance towards adhering to Rest En Route provisions contained in Agreement 4.3 continues. Please be advised that as per the attached letter this office has placed the Company on notice regarding this most serious matter. We ask that you post this circular and its attachments for the membership to read and encourage them to familiarize themselves with Article 35.

In order to cross reference the Company's Rest Exception Reports with the Member's facts regarding a violation, and for any future action this office may have to undertake, we ask that the Members document the particulars utilizing the attached form and fax it into our office directly. The form is also located on our website (www.utuwest.org) in the Rest Violation section.

The UTU General Committee Facsimile: 1-780-463-8560

It is important that all the information relevant to the incident is given. Of most importance is the reason for the failure on the Company's part to ensure the proper arrangements were made.

Your cooperation is appreciated.

In solidarity,

Robert S. Thompson
General Chairperson
U.T.U.

Enclosure

cc: Secretaries, UTU

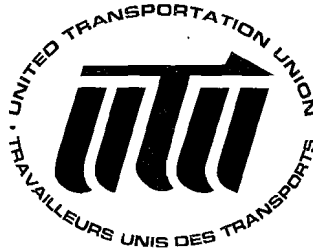
RST*ldg/cope #458



***New Address Effective October 1st, 2007
105, 10423 178 Street NW, Edmonton, AB T5S 1R5

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Sent by Fax and Mail

January 9, 2008

Mr. Jim Vena
Vice President Operations, Western Region
CN Rail
4th Floor, 10229 - 127 Avenue
Edmonton, Alberta T5E 0C9

Attention: Kerry Morris

UTU File: Article 35

Re: Article 35 Rest En Route Violations

Dear Sir:

One of the most contentious and problematic issues that this office has had to continually address is the Company's failure to adhere to the Rest En Route provisions contained in Article 35 of Agreement 4.3.

Over the years this office has tried in vain, through negotiations, meetings and correspondence to resolve this most troubling issue. More recently, a complaint was filed with the Canadian Industrial Relations Board (CIRB File 23386-C), which resulted in a decision that ordered the Company to comply with the identified Collective Agreement violations, which included the Rest provisions. Yet here we are, once again, having to expend this office's valuable time on the matter.

Article 35.13 (b), states:

Except in circumstances behind the Company's control, such as accident, impassable track, equipment malfunction, plant failure, etc., train service employees will be relieved of duty by the time rest booked is due to commence.

For clarification purposes to the above noted article, we refer your office to a meeting regarding rest violations that took place back on January 21, 2004, which was attended by former General Chairperson Brian Boechler. At that meeting all participants, including senior Company officers, agreed that the meaning "relieved of duty by the time rest booked is due to commence" meant employees were to be at the rest facility or

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Article 35 – January 9, 2008

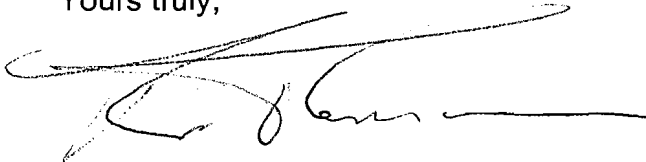
CATS computer terminal prior to the conclusion of the applicable hour rule. This was based on years of past correspondence and discussions.

As result of the numerous violations recently sent into this office from the field, we reviewed the past few months of Rest Exception Reports the Company sends into our office. And once again, this information speaks loudly of the Company's negligence towards their obligation to comply with the Agreement.

In the month of December 2007 alone, there were close to 400 exceptions reported in Western Canada. In many of the cases no reason for the exception was documented. In cases where a reason or "over run description" was given, it was often within the Company's control. Or in other words, a failure on the Company's part to make the necessary arrangements that would have had the employee at the rest facility or CATS computer prior to the rest booked being due to commence.

Because of the repetitive Rest violations that our members are experiencing, we are given no choice but to issue an ultimatum to your office. Either the violations cease immediately, or we will be seeking the assistance of the Board.

Yours truly,



Robert S. Thompson
General Chairperson
U.T.U.

cc: Local Chairpersons, All Locals
Secretary, All Locals

RST*ldg/cope #458

