

August 20, 2009

Brother Shewchuk,

This letter is in response to your offices letter to Brother John Zrini, President of TCRC Division 528, and dated August 10, 2009, a copy of which was provided to me on August 17, 2009.

I will be affected by this ruling as it relates to my eligibility to run for office within my Division as I have only paid Union dues during 16 of the last 24 months, as until being made aware of your ruling, I was unaware that there was now a requirement of 24 months dues payment. Had I been so aware, I would certainly have ensured that I was compliant with this condition of office. That being said, I was nominated and presently hold office as Vice Local Chairman for the Locomotive Engineers within my Division.

It is my understanding that the requirement of sustaining 24 months of dues payment has not been a condition of those nominated and further being eligible to hold office within the TCRC in any other prior Division triennial election as this condition was suspended as part of the merger agreement with Teamsters Canada. With this in mind, I am not aware of any notification to the members within my Division that this requirement would now become a condition that would become a part of this year's elections. I ask that you provide me with any correspondence that was provided to the TCRC membership that would have brought this condition to our attention.

As well, I suspect that I will not be the only affected member. You must understand that this provision was not part of any condition of office for any prior Division election within the TCRC or the BLE before that, and because of this, members who have been off sick or injured, on lay-off, or leave of absence have generally not been required to pay dues if they are not employed at the beginning of each month when normal dues deductions are made through payroll deductions. I would be quite surprised to find anyone that has made arrangements to make for such alternate union dues deductions when it is not contemplated within our Collective Agreements. In fact the Collective Agreement provisions respecting the Union Dues Agreement at Canadian Pacific Railway stipulates that "If the wages of an employee on the payroll for the period, which includes the 1st day of any

month, are insufficient to permit the deduction of the full amount of dues, no such deduction will be made from the wages of such employee by the Company in such month.” Although I now understand, with your recent ruling provided to Division 528 President Zrini, that it is your position that affected members are responsible to make arrangements to make payments of their Union dues even when payroll deductions are not received, I would suggest that this has not been the practice, and as with my instant situation, our fellow members that have had the misfortune of being ill or injured, laid off or been on leave of absence, become adversely affected very likely, as in my case, without any prior information about the requirement to ensure the dues were paid.

With all this in mind, I ask that you reconsider your ruling, for the upcoming Division Elections, in light of the information I have provided, and I further ask that a clear interpretation of this condition of eligibility of office be presented to all members that may be affected in future elections.

If you are unable to modify your ruling, I ask that you ensure that this ruling is consistently applied throughout all Divisions within the TCRC.

Fraternally,

Shane Duffy
Vice Local Chair 528

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Cc
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