

INLAND STEEL COMPANY

and

UNITED STEELWORKERS OF AMERICA  
Local Union No. 1010

)  
) Grievance No. 12-E-83  
) Docket No. IH-41-41-9/7/56  
) Arbitration No. 190  
) Opinion and Award

Appearances:

For the Union:

Cecil Clifton, International Staff Representative  
Fred A. Gardner, Chairman, Grievance Committee  
S. Logan, Acting Vice Chairman, Grievance Committee

For the Company:

W. L. Ryan, Assistant Superintendent, Labor Relations  
W. A. Dillon, Divisional Superintendent,  
Labor Relations

Collin Brooks is a Shearman-Coiler in the Galvanizing Department. It is uncontested that his duties include watching the strip for welds (the approach of which is announced on a public address system) and taking such precautionary measures as may be necessary to prevent damage to the Halden shear and the leveller. He is also obliged to help out the Inspector by reporting defects when the Inspector is otherwise engaged.

During the 8-4 turn on May 2, 1956, while the equipment was running 12 gauge material, there was an announcement on the public address system at about 12:45 P.M. that a weld was coming up. The grievant testified that at about this time he was not at his regular station and had been standing some distance away and did not hear the warning given over the public address system. Subsequently, he positioned himself near the leveller. The foreman testified that he observed the grievant sitting on a box with his eyes on a level with the passing material; the grievant claimed that for about five minutes he was standing about 16 feet from his post at the Halden shears and that he was inspecting sheets for the Inspector who was otherwise occupied. He stated that not having heard the public address notification he did not expect the approach of a weld; but that from where he was standing he could observe the strip clearly enough to see welds before they approached the shear and leveller. He conceded, however, that he was not, in fact, looking at the strip to observe the approach of a weld.

The foreman saw a lap-weld go through the shear. He shouted a warning to Brooks who succeeded in stopping the line before the weld entered the leveller.

A discipline statement was placed in Mr. Brooks' record and he was disciplined with one day off. The discipline statement read in part

"This inattentiveness could have resulted in damage to the shear or to the 1 3/4" leveller. Failure to raise the Halden leveller on heavy gauge welds has been responsible for the high replacement rate of shear pins on the leveller drive; had the shear knife cut on the weld, gear damage could have resulted; had the weld been allowed to go into the 1 3/4" leveller, it is possible that one or several of the rolls could have been broken."

The grievance refers to the discipline statement as a "bunch of assumptions," and requests that the discipline statement be stricken from the record and that restitution be made for time lost.

On the evidence I am satisfied that if the shear knife had descended on the lap-weld considerable damage to the Halden shear might well have resulted. The lap-weld had a thickness of .2166 inches. The manufacturer's guarantee does not go beyond material with a thickness of .1382 inches. In addition to equipment damage, loss of production would have resulted if the shear had not, fortunately, missed the lap-weld. Similar damage and loss was avoided by the foreman's warning before the lap-weld entered the leveller.

Grievant gave the impression of an unconcerned witness. When questioned directly as to his proper course of conduct, he gave a non-committal answer to the Arbitrator. Furthermore, when asked whether, having removed himself from his regular post and having placed himself in a position where he probably would not be able to hear the announcement of the approach of the weld, he should not have taken the precautionary step of watching for a weld and informing the Inspector he was not available, at the time, to assist him, he evidenced no recognition of the propriety or advisability of such a course of conduct. His apparent indifference made the task of the Union representative at the hearing most difficult.

Despite the extended argument at the hearing concerning two prior reprimands in grievant's file, it is not necessary to comment thereon, since this decision is based entirely on the facts relating to the reason for the discipline in question, and not on his prior record.

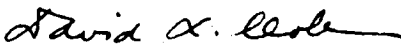
The Union's argument that the grievance is based on a "bundle of assumptions" because no damage, in fact, occurred to the shear or the leveller, is without force. Brooks has not been charged with damaging property but with failure and neglect of duty. The fact that he was able to stop the line when shouted at by his foreman and that no damage in fact occurred does not excuse such failure or neglect. I find that the Company had cause to discipline in this case.

AWARD

The grievance is denied.

  
Peter Seitz,  
Assistant Permanent Arbitrator

Approved:

  
David L. Cole,  
Permanent Arbitrator

Dated: September 16, 1957