

INLAND STEEL COMPANY

and

UNITED STEELWORKERS OF AMERICA
Local Union No. 1010

)
) Grievance No. 16-F-186
) Docket No. IH-273-266-2/14/58
) Arbitration No. 274
) Opinion and Award

Appearances:

For the Union:

Cecil Clifton, International Representative
Fred A. Gardner, Chairman, Grievance Committee
J. Stone, Griever, Cold Strip Mill

For the Company:

W. A. Dillon, Assistant Superintendent, Labor Relations
J. Borbely, Divisional Supervisor, Labor Relations
W. M. Weichsel, General Foreman, Coil Pickler-
Cold Strip Mill

T. Rogus, a Shearman Helper, grieves that the disciplinary measure depriving him of one day's pay on November 15, 1957 was "unwarranted and unjust". He asks that the disciplinary statement be removed from his personnel file and that he be compensated for the day's pay he lost.

On October 12, 1957, over 100,000 pounds of material was slit 1/8" narrower than the customer's specification, while the grievant was performing as Shearman Helper. The discipline statement handed to the grievant recited, in part:

"In your capacity as a Shearman Helper it was your duty to observe slitting operation for cobbles, burred edges and improper width and to notify the Shearman of discrepancies. In so doing the necessary corrections could have been made so that a product that was not of sub-standard quality would be produced."

It is evident that the discipline statement was phrased in the terms employed by the job description of Shearman Helper which includes in the work procedure of that occupation:

"Observes slitting operation for cobbles, burred edges and improper width. Notifies Shearman of discrepancies and makes necessary corrections."

That job description also states that Shearman Helper

"Sets up and adjusts slitter and guides as directed by Shearman."

It is argued, on the grievant's behalf, that his work on the Slitter is performed under the direction of the Shearman whom he is assigned to help; that the Shearman, not the Helper, is primarily responsible for the proper width of the material processed; that in its third step reply to the Union on May 24, 1957 with respect to the earlier Grievance No. 16-F-41 the Company clearly stated (with respect to the elements "Material" and "Equipment", in particular) that the responsibilities of the Helper "are not equal to those of the Shearman"; and, finally, with respect to the spoilage for which this grievant was disciplined, the Shearman whom he helped, and whose responsibilities are greater, received a disciplinary layoff of only one day.

Rogus' responsibility for careful and good workmanship in the width measurement of slit material was formally brought to his attention on several occasions. For example, he received a written memorandum that on August 4, 1955 when he was serving as Shearman Helper two items of material weighing in the aggregate 138,000 pounds lined up to be slit to 45 1/4" were slit to 44 1/4". That notice of poor workmanship, like the one involved in the instant case, employed the terminology of the Shearman Helper's job description quoted above. Similarly a written reprimand was issued on November 2, 1955 for poor slitting practice by the grievant as Shearman Helper utilizing the job description language referred to. On July 18, 1957 the grievant received a written reprimand for the processing of material 1/4" narrower than ordered. In that case he had performed in the capacity of relief Shearman. An office memorandum was also issued for "underslit" on June 29, 1957. On that occasion the grievant, as relief Shearman was charged with having given his Helper the wrong slit size. Finally, on January 28, 1957, when the material was slit 1/2" under prescribed width, an office memorandum charged the grievant with the responsibility therefor, as the relief Shearman on the operation. In that case, according to the record, a similar office memorandum charging poor workmanship was issued to the Helper on the job.

Whether the disciplinary measure imposed upon the grievant is for cause, in the absence of any claim or showing of discriminatory treatment, is not to be tested by whether the grievant's Shearman had greater responsibility than he had, nor by the severity or leniency of the discipline imposed on the Shear-

man. Measuring for proper width is only one of a number of duties of both occupations. In the evaluation and classification of the jobs, for each of the elements graded, presumably, consideration was given to all of the principal duties of each of them. A contention that the Shearman has greater responsibility than the Helper for "Equipment" and "Material", in a contest to determine whether the Helper's classification should be upgraded, does not compel the conclusion that where the Shearman and the Helper, jointly or severally, fail to perform their duties in respect to processing to proper width, the Shearman's disciplinary penalty must be measured by his greater responsibility than the Helper's for a whole complex of duties. Similarly, it does not mean that the Helper's penalty for failing properly to measure for width must be less than the Shearman's penalty.

The existence or absence of cause for a disciplinary action based upon poor workmanship (in the absence of a specific claim and satisfactory showing of discriminatory treatment of the grievant) must be determined on an individual basis. If this were not so, the Company could be charged with employing a system of penalties inconsistent with deep-rooted, traditional and widely accepted convictions as to what is fair and within the meaning of the due process to which grievants are entitled. In our society we do not regard the ends of justice to be served by a group, as distinguished from individual decisions of culpability or punishment. In the context of this case, this means that the central question here, in determining the appropriateness of the penalty is not whether the Shearman whose responsibility, overall, is greater than the Helper's with respect to the complex of all his duties received a greater or lesser penalty than the Helper, but whether the penalty meted out to the Helper is just, merited and "for cause". The record contains no facts with respect to what the Shearman did or did not do on the date in question; what his previous work performance may have been; and to what extent he is chargeable with fault for what took place. The Shearman's discipline was not put in issue here by the Union and is referred to only for the purpose of the argument presented. No basis for comparison or contrast is presented to ascertain whether discrimination against this grievant took place, or whether the penalty assessed against him is grossly out of line with a pattern of disciplinary penalties imposed generally.

I find, on the evidence, that the grievant failed properly to perform his Helper's duties on the day in question, and, in view of the warnings and reprimands previously given, there is cause for the disciplinary layoff of one day.

AWARD

This grievance is denied.

Peter Seitz,
Assistant Permanent Arbitrator

Approved:

David L. Cole,
Permanent Arbitrator

Dated: August 20, 1958