

INLAND STEEL COMPANY

and

UNITED STEELWORKERS OF AMERICA,
Local Union No. 1010

)
) Grievance No. 1-F-42
) Docket No. IH 384-373-11/3/58
) Arbitration No. 331
) Opinion and Award

Appearances:

For the Union:

Cecil Clifton, International Representative
Fred Gardner, Chairman, Grievance Committee
Joseph Wolanin, Secretary, Grievance Committee
J. Woblington, Grievance Committeeman
J. Wilson, Grievance Committeeman
J. Gotheff, Assistant Grievance Committeeman

For the Company:

L. E. Davidson, Assistant Superintendent, Labor Relations
T. J. Peters, Divisional Supervisor, Labor Relations
H. H. Cummins, Supervisor, Industrial Engineering
E. W. O'Connell, Industrial Engineer
C. M. Squarcy, Manager, Iron Production

The grievance, filed on behalf of No. 4 Stockhouse Employees in the Blast Furnace Department, alleges that the Company is not scheduling an adequate force for performance of the work to be done in the Stockhouse Sequence and asks that the Company be required to schedule such an adequate force. Violation is charged of Article VI, Section 8 of the Agreement, which, in pertinent part provides

"In the exercise of its rights to determine the size and duties of its crews, it shall be Company policy to schedule forces adequate for the performance of the work to be done. * * *"

This case involves the crew which performs duties related to the gathering of materials and to the charging of No. 4 Blast Furnace. There are eight blast furnaces in the Department. Two have been converted to semi-automatic equipment for the charging of coke. No. 4 was the first operation to have been so converted. Coincident with the conversion the Company revised its manning table and the occupations in the sequence as applicable to the No. 4 Furnace. Prior thereto, charging operations were performed by a crew consisting of a Scale Car Operator, a Skip Hoist Operator and four Pitman who cleaned stockhouses and pits in the area of the six furnaces.

It is proposed that the new crew composition will ultimately be extended to the remaining furnaces as semi-automatic equipment (such as has been installed in the stockhouse and pit of No. 4 Furnace) is made available. Accordingly, the present crew composition and duties for the Department as a whole are in flux.

The parties are in some dispute as to which of the previous occupations have been eliminated and which have been merged into new jobs. It is sufficient to note that the two functions of a) removing the charging materials from stockhouse bins into a scale car and then dumping the contents into skips (Scale Car Operator, Job Class 9) and, b) operating the skip controls for the charging of the materials into the furnace (Skip Hoist Operator, Job Class 12) are now performed by one occupation, viz., Larryman, Job Class 12. The present organization of the crew, in addition to such Larryman calls for a Stockhouse Helper, Job Class 6 whose principal duty is to clean materials spilled on and about the scale car tracks in the Stockhouse and in the pits. In the latter duty he is assisted by the Larryman inasmuch as the charging operation cannot be performed while the pit is being cleaned. The Stockhouse Helper's operations extend over the areas of two stockhouses. He relieves the Larryman for two half-hour periods each day for the removal of materials from the bins, the operation of the Scale Car, the filling of the skips and the activation of the skips to the bell of the furnace where they are dumped for charging.

Before the equipment and occupation changes had taken place the Scale Car Operator moved an appropriate amount of charging materials into his car by manipulating a hand lever. The material was weighed and then conveyed to the pit where it was dumped into the skips. The subsequent movements of the skips to the top of the blast furnace and the charging operations were the responsibility of the Skip Hoist Operator who operated various controls, levers, gauges, etcetera. The procedures since the installation of the new equipment are substantially the same up to the point of filling the skips. An electronic device now determines the correct amount of material in the skips. The responsibilities of the Skip Hoist Operator are discharged by the Larryman who presses buttons on a panel. The elevation of the skips and their dumping is then done automatically, the Larryman proceeding in the scale car to another bin for materials while the skips are ascending and descending.

The Union claims that the workload and the number of charges per turn have increased; that the spillage necessitates additional help for the crew; that some of the older employees are unable to maintain the pace required; and that there are safety hazards resulting from the reduction of the crew size. The Union asks that the crew consist of a Larryman (as at present), a Larryman Helper (available for full time assistance to each Larryman), and a Pitman or Stockhouse Helper available for cleaning up two furnaces. Thus, in terms of crew-size per turn, and without regard to classification, the Union asks for an additional man per turn.

First, attention should be directed to the considerable amount of testimony presented with respect to spillage. I am satisfied that the net balance of this testimony favors the contention of the Company; that although the amount of spillage increased shortly after the semi-automatic equipment was installed, this was due to malfunctioning of the equipment and inexperience in its operation. Since that time, with readjustment and repair of the equipment and increased familiarity with its operation, the amount of spillage has been greatly reduced and does not now present any significant problem. I am satisfied that, as in the past, should changed conditions result in a significant increase in the amount of spillage, the Company will have to assign additional personnel to the crew to enable it to meet the more laborious duties to be performed.

Second, there was testimony, objected to, concerning the base rates and the incentive earnings with respect to the occupations making up the present crew. It is understood that grievances have been filed, at least with respect to the base rates. It is sufficient to observe that the question of compensation is not involved in this case - only whether the forces scheduled are adequate for the performance of the work to be done.

Third, the Union referred to the quantity of coke spillage in the pit. This must be removed by the Larryman who helps the Stockhouse Helper in this cleaning operation. It has been testified, and not denied, that this spillage amounts only to about one spillage hoist per turn or 25 shovels-full from No. 4 Stockhouse pit. This compares favorably with the average of five spillage hoists in the No. 5 and No. 6 pits. The Union position that this item contributes largely to the inadequate force argument cannot be accepted.

Fourth, the Union complains that the Stockhouse Helper activity has increased to such a point as to make the pace unendurable. The Company counters with a time study based on six turns on March 23 and 24, 1959. Its table refers to the situation presently obtaining and that which will obtain when the charging operations for the next furnace will be placed on a semi-automatic basis. It alleges that 163 minutes of work and 35 minutes of stand-by time amounting to 41% of the turn are presently consumed; and with the installation of the new equipment in the next stockhouse, 212 minutes of work and 62 minutes of stand-by time amounting to 57% of the turn will be expected to be consumed. While this is contradicted by Union testimony, it is entitled to weight, even if it is not accepted as ultimate and conclusive proof of the facts in dispute. The record of testimony, as made, would not justify a finding that the Stockhouse helper's work has been augmented to the point where the pace has become unendurable as alleged, nor that the Stockhouse helper is required to drive himself

"beyond normal or reasonable endurance"

as stated in Arbitration No. 168. (See also Arbitration No. 315).

Fifth, the Union offered testimony that at the Fairless Works of the United States Steel Corporation the Stockhouse Crew consists of a Larryman and an Assistant Larryman (servicing only one furnace) plus laborers who do cleanup work.

A procedural question was raised by the Company with respect to the acceptance of this testimony on a number of grounds. Although the Arbitrator reserved decision on the objection (the stage of proceeding being too early to rule, informatively, on the relevancy and competency of the testimony) the principal Company witness proceeded to testify as to similar installations and procedures at the Fairless Works, in other named Steel plants and in designated foreign countries. It subsequently developed that this Company testimony was based "only what I he read in public literature" and that the testimony of the Union witness, on the other hand, was based upon what he was told by a member of the Grievance Committee of the Union at the Fairless Works. In view of the importance which each of the parties appeared to accord to their conflicting allegations of fact the Arbitrator inquired how the facts could be ascertained with certainty and how he could be properly informed as to the comparability of equipment, conditions and crews which the parties seemed to believe to be a subject relevant to the question of whether this force, at No. 4 Stockhouse, at Inland Steel Company, was "adequate". The Union stated that it had no way of obtaining any better testimony and the Company representative said he would "confine my remarks on the evidence submitted today. That is the only thing I can tell you that I can do on it."

Inasmuch as the Arbitrator regards the testimony offered at the hearing on this disputed subject as unsatisfactory, insofar as the competency of the Company and Union witnesses is concerned, in reaching his decision herein, none of it has been considered. Although invited to do so by the Arbitrator, the parties have been either unable or unwilling to buttress their respective versions of the practice at Fairless Works, and the position of each of the parties was based on pure hearsay, directly contradictory in nature. The Arbitrator, necessarily, is confined by the quality of the evidence presented by the parties at the hearing.

In concluding on this point, it is desirable in the judgment of the Arbitrator that he repeat the ruling he made at the hearing that hearsay evidence per se is not inadmissible in arbitration proceedings. Both parties have frequently used it without objection or question by either the other party or the Arbitrator. It simplifies and shortens the hearings and often performs a helpful function. Such evidence will be accepted, but the weight to be accorded to it is a matter to be determined in each case, consideration being given to all of the factors which customarily determine the quality of evidence and the extent to which ultimate findings of fact based on any particular evidence, are warranted.

Sixth, in view of the many issues of fact as to whether the Larryman and the Stockhouse Helper are working at a pace beyond "normal or reasonable endurance" and whether the reduction in crew size creates hazards to safety which would indicate that the Company has scheduled forces adequate for the work to be done, the Arbitrator inspected the operations at the No. 4 Stockhouse and at another stockhouse in which the charging equipment had not yet been automated. Suffice to say his observation of the activities of the Larryman and the Stockhouse Helper did not justify findings in accordance with the contentions of the Union. Further, the system of bells on the charging car, the existence of a public address system (although not always immediately available to the Larryman) and the movement of personnel through the Stockhouse indicate that there is no unusual or significant increase of hazards which would justify relief under Article VI, Section 8. It is also worthy of some consideration that the Company states that it will make improvements in the drawing of materials from the bins to reduce their sticky characteristics. While this is a matter for the future, and the decision of this case is not predicated thereon, it is worthy of comment in view of the expressed apprehensions of Union witnesses.

AWARD

The grievance is denied.

Peter Seitz,
Assistant Permanent Arbitrator

Approved:

David L. Cole,
Permanent Arbitrator

Dated: July 21, 1959