

INLAND STEEL COMPANY

-and-

UNITED STEEL WORKERS  
OF AMERICA  
Local Union 1010  
- - - - -

ARBITRATION AWARD No. 368

Appeal No. 62

Grievance No. 20-F-48

PETER M. KELLIHER  
Arbitrator

APPEARANCES:

FOR THE COMPANY:

MR. WILLIAM A. DILLON, Assistant Superintendent,  
Labor Relations Department

MR. R. J. STANTON, Assistant Superintendent, Labor  
Relations Department

MR. J. J. MATUSEK, Assistant Superintendent, Mechanical

MR. JOHN NEDEFF, JR., General Foreman, Mechanical

FOR THE UNION:

MR. CECIL CLIFTON, International Representative

MR. JOSEPH WOLANIN, Secretary, Grievance Committee

MR. JAMES BALANOFF, Grievance Committeeman

MR. MELVIN SALMI, Aggrieved

### THE ISSUE

The grievance reads:

"On November 5th, Melvin Salmi, #3817, was given a letter which was placed in his record in reference to a disciplinary statement he received on October 22. After a grievance (20-F-45) was filed, the Company granted it, removed the discipline of October from his record and paid him for two (2) lost days.

"Now the foreman has placed another letter referring to this same October 22, incident on Salmi's record."

Relief sought:

"That this letter be removed from his record."

### DISCUSSION AND DECISION

The Arbitrator does not have before him the merits of Grievance No. 20-F-45, filed on October 24, 1958. The Grievance requested that the Company remove the "discipline statement". In its first step answer on November 4, 1958, the Supervisor stated that "The request of the grievance is granted". While the two (2) day discipline was characterized as being "too severe", no reservation was made that a reprimand or warning would be placed in the employee's record. The Company thereafter did remove the "discipline statement" dated October 22, 1958. On November 6, 1958, the Company, however, did place another letter in the employee's record. This letter was substantially similar in tone and content. It, likewise, was signed by the General Foreman and the Superintendent. The fact of the employee's "protest" standing alone was again considered as an indication

of "an indifferent and uncooperative attitude". The employee was warned that if he continued to display this attitude, he would be subject to disciplinary action.

Article VII states that these records of the employee's individual performance have "much influence" on the "ability to perform the work" clause. It must be presumed that Management had a purpose in filing this letter in the Grievant's record. It is probable that if any future disciplinary matters would occur within less than one (1) year of this letter, the offense might be cited.

It must be found that the letter of November 6, 1958 violates the substance and spirit of the grievance settlement. This Arbitrator has urged employees in numerous awards to first follow the instructions of supervisors and if they believed the order was improper to indicate their protest, and then file a grievance. Employees do have a right to indicate that they are performing certain work "under protest".

The essence of both letters is the same, i.e. the uncooperative attitude shown by the fact that the employee did "protest". No claim is made that the Grievant was guilty of insubordination.

AWARD

The grievance is sustained.

(signed) Peter M. Kelliher  
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PETER M. KELLIHER

Dated at Chicago, Illinois  
this 19th day of August, 1960