

INLAND STEEL COMPANY

and

UNITED STEELWORKERS OF AMERICA  
Local Union 1010

Grievance No. 11-F-44

Appeal No. 84

Arbitration No. 374

Appearances:

For the Company:

W. A. Dillon, Assistant Superintendent, Labor Relations Department  
W. Peters, Turn Foreman, 100" Plate Mill Department  
G. Talanian, Turn Foreman, 100" Plate Mill Department

For the Union:

Cecil Clifton, International Representative  
Don Black, Chairman, Grievance Committee  
Joe Sowa, Grievance Committeeman

This is a discipline case. Grievant, a Split Shear Laborer, was penalized by what amounts to a suspension of 2-1/2 hours plus one day's work for refusing to perform work as directed by his foreman and walking off the job. The Union questions this disciplinary action, maintaining it was not for cause, within the contemplation of Article IV, Section 1.

Three steps above the Laborer in the Split Shear Sequence is the Split Shear Helper. At 1:30 p.m. when a plate was about to be positioned for shearing, the Helper had to leave for personal reasons. The foreman ordered grievant to step into the Helper's position and handle his work temporarily. He refused. When the foreman persisted, grievant claims he said he was waiving any right to be promoted to the Helper position, which statement is denied by the foreman. In any event, another Laborer was told to do the positioning, which he did, and grievant was instructed to perform his regular job of pushing the plate. The foreman says he refused to do this, and that the foreman then told him to work as directed or he would be sent home. Grievant is said thereupon to have thrown down his wrench and walked away. For this the disciplinary penalty was imposed.

Normally, an employee in the job next below the vacated position would fill in temporarily. On this occasion, the next job, that of Grinder, was being done by an employee who had waived the Helper's job and never performed his work. The job next below is that of the Burner, but his work location is some 50 feet away. Management states that it was customary under the circumstances to have a Laborer step into the Helper's position for the short period involved.

The facts were both controverted and confused at the hearing. Grievant's statement in the grievance procedure that he had been instructed by the Assistant Superintendent to report the following morning was denied by Management, but the Assistant Superintendent supported grievant on this point at the hearing, causing Management promptly to offer to give grievant four hours' reporting pay for that day.

The Union claimed grievant had been given a penalty of two days in addition to the balance of the turn, but this was inconsistent with what was alleged in the grievance and in the discipline letter, and with the facts. The Union waived its claim for the second day's pay.

Grievant testified not only that he told the foreman he was waiving promotion rights to the Helper job but that the foreman told him to go home. The foreman says he told him he would be sent home if he persisted in refusing to follow orders. This is an important fact issue because Management states that he was disciplined for refusing to work as directed and for walking off the job.

Grievant's familiarity with English is not too good, as observed at the hearing. It would be particularly so during the heat of an argument. His supervisor agreed that it was quite possible grievant understood the foreman to say "Go home" rather than that he would be sent home if he refused to follow orders.

Grievant's work record is a good one. He has been promoted since the incident in question. The impression I gathered from the testimony and the inferences that could be fairly drawn was that there was impatience with grievant and that tempers were not normal at the moment. Adding this to his difficulty with the language, I believe his leaving the job was induced by what grievant understood the foreman to be telling him, and not to irresponsibility as such. The fact that he left his job under these circumstances is not justifiable cause for discipline within the meaning of Article IV, Section 1.

AWARD

Modified as indicated above, the request of this grievance is granted.

Dated: November 7, 1960

/s/ David L. Cole

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David L. Cole  
Permanent Arbitrator