

In the Matter of Arbitration Between:

THE INLAND STEEL COMPANY

ARBITRATION AWARD NO. 403

- and -

Grievance No. 20-F-81

UNITED STEELWORKERS OF AMERICA
Local Union No. 1010

Appeal No. 201

Peter M. Kelliher
Impartial Arbitrator

APPEARANCES:

For the Company:

W. A. Dillion, Asst. Superintendent, Labor Relations
R. J. Stanton, Asst. Superintendent, Labor Relations
H. Onada, Labor Relations Representative
J. J. Matusek, Asst. Superintendent, Mechanical
L. A. Minelli, Asst. General Foreman, Weld Shop
C. Pitzer, Planning Foreman, Weld Shop

For the Union:

Cecil Clifton, International Representative
Al Garza, Secretary of Grievance Committee
James Balanoff, Grievance Man
Glen Atkinson, Aggrieved

STATEMENT

Pursuant to notice, a hearing was held in Gary, Indiana, on
March 15, 1961.

THE ISSUE

The grievance reads:

"The letter of reprimand given to Glen Atkinson No. 3575, on May 12, 1959, was unwarranted and unjustified in view of circumstances.

Said letter stated that the aggrieved had a pre-determined plan to slow down the job and that he had worked with an attitude that shown careless indifference toward his job. The aggrieved had earned an incentive and had fitted the job correctly.

That the letter of reprimand be dismissed and removed from the aggrieved's personnel records."

DISCUSSION AND DECISION

The testimony in this record indicates that at about 7:30 a.m. Foreman Minelli gave the Grievant a "rush order". It is the Grievant's claim that because of certain revisions in the blueprint that it was necessary for him to study it very closely. He had to spend time on clean-up, preparing material and instructing his Helper. The testimony shows that approximately twenty-five minutes were spent by the Grievant in talking to the Foreman and General Foreman. The Grievant left the General Foreman's office at about 9:17 a.m.

The essential issue in this case is whether the Grievant did deliberately slow down the work. The Company presented testimony that Supervision observed him after 9:17 a.m. and that he did not appear to be "expediting the work". It is significant, however,

that at no time after he returned to work did any member of Supervision advise him that he was not performing the work at an adequate pace. He realized incentive earnings of 14.5% over his base as compared to his average of 23.8% above base. The Grievant and his Helper spent thirteen man hours on this job and it required four hours for the crew on the next turn to complete the work. It is the Grievant's testimony that he could have completed the work if he had been allowed to perform work for an additional twenty-five minutes. The Grievant alleges that because this was the first door done under the revised blueprint that he had to go slow and be entirely cautious in his approach to avoid errors and that crews on the subsequent doors would have the benefit of the observation of his work. His testimony is unrefuted that he would have to spend ten or fifteen minutes putting away tools and that the crew on the 4 to 12 shift would also have to spend time getting the tools and studying the revised drawing.

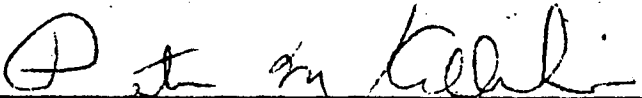
The Arbitrator believes that the factual situation here presents a very close question of evidence. While the figures show that the other crews on the remaining doors completed in 13.2 hours, the Company did not show that in any of these situations two crews worked on one door. It is evident that it would take a somewhat longer time for two crews to complete a door than if one crew were permitted to start and finish the door. This employee has what

must be termed an excellent work record. This is the first reprimand that he has received in twenty years of employment. If, despite this excellent work record, Supervision believed he was engaged in a slow-down, he would undoubtedly have been given more severe discipline than a reprimand. The Grievant expressly denied that he unduly slowed the work and stated that he actually was working at an accelerated pace because of the warning given him by the General Foreman in the 9:00 a.m. meeting.

Under all of the circumstances here present, the Arbitrator must find that the Company did not sustain the burden of proof in this case to show by the weight of the evidence that the Grievant was guilty of the alleged slow-down.

AWARD

The reprimand shall be removed from the record of Mr. Glenn Atkinson.


Peter M. Kelliher

Dated at Chicago, Illinois
this 4 day of April 1961.