INLAND STEEL COMPANY)	
)	Grievance No. 11-F-57
and)	Appeal No. 163 Arbitration No. 421
UNITED STEELWORKERS OF AMERICA)	
Local Union 1010	Opinion and Award

Appearances:

For the Company:

W. A. Dillon, Assistant Superintendent, Labor Relations Department L. E. Davidson, Assistant Superintendent, Labor Relations Department Don Taylor, Foreman, 100" Plate Mill Department H. S. Onoda, Staff Representative, Labor Relations Department

For the Union:

Cecil Clifton, International Staff Representative Al Garza, Secretary, Grievance Committee Joe Sowa, Grievance Committeeman Jaime Martinez, Witness James J. King, Assistant Griever

The complaint in this grievance is that a foreman was performing bargaining unit work, in violation of Article VII, Section 14, by working with the Craneman in assorting and piling plates, and that he used abusive language in addressing the Craneman.

Involved here is a straight dispute over the facts. The Craneman in question was disciplined for his part in this incident, having been charged with using abusive language and threatening the foreman, and although a grievance was filed protesting this discipline it was subsequently dropped.

The Union's evidence was incomplete, confused, and unconvincing. Another Craneman testified that on the first turn on the same day this foreman had improperly directed him, this being bargaining unit work, whereas the foreman was not at work on that turn at all. The Second Loader who was in the immediate vicinity where the incident occurred, and whose work the foreman is alleged to have been doing, did not appear as a witness. Another employee, a Weigher, appeared and testified he was in the crane cab with the Craneman, taking training, and he corroborated the Craneman, but he had not appeared at the hearing over the Craneman's disciplinary grievance, and he admitted he had been denied his "S" rating and was not qualified to become a Craneman. The foreman testified this Weigher was busy elsewhere on the floor at the time.

As to the application of Article VII, Section 14, the lines laid down with respect to a series of activities of supervisors in connection with the work of cranemen by Permanent Arbitrator Kelliher in Arbitration No. 381,

should be sufficient to guide both the employees and the supervisors.

In the instant case, the evidence does not support the charge that the foreman was performing the kind of work which Arbitrator Kelliher held to be bargaining unit work, as distinguished from the type which a supervisor may properly perform in directing and supervising employees. There was a full crew on duty, including two Loaders, and there would be no point in the foreman performing their work. The profanity charge seems to be in the nature of retaliation for the discipline imposed on the Craneman. In any event, on all the evidence the foreman's flat contradiction has not been overcome.

AWARD

This grievance is denied.

Dated: September 27, 1961

/s/ David L. Cole

David L. Cole Permanent Arbitrator