

In the Matter of Arbitration Between:

INLAND STEEL COMPANY  
- and the -  
UNITED STEELWORKERS OF AMERICA,  
Local Union 1010

ARBITRATION AWARD NO. 433

Grievance No. 17-G-13  
Appeal No. 284

PETER M. KELLIHER  
Impartial Arbitrator

APPEARANCES:

For the Company:

W. A. Dillon, Asst. Superintendent, Labor Relations Dept.  
L. E. Davidson, Asst. Superintendent, Labor Relations Dept.  
J. Norman, Turn Foreman, Tin Mill Department  
J. Federoff, Divisional Superintendent, Labor Relations Dept.

For the Union:

Cecil Clifton, International Representative  
Peter Calacci, President, Local 1010  
Jack Burnette, Asst. Griever  
J. Williams, Aggrieved

STATEMENT

Pursuant to notice, a hearing was held in Gary, Indiana, on  
July 10, 1961.

THE ISSUE

The grievance reads:

"The aggrieved employee, J. Williams, #16178 alleges  
that he was sent home on February 12, 1960, and  
denied his right to waiver Labor Tractor.

Request that J. Williams, #16178, be paid all  
monies lost due to this error made by the Company."

## DISCUSSION AND DECISION

The evidence in this case is that the Grievant refused to accept an assignment to the Fork Tractor. Even if it here be assumed solely for the purpose of discussion that an employee in the Labor Group has a right to waive a promotion to fill a temporary vacancy in a sequence--clearly this particular employee was attempting to make an "on the spot" refusal.

The Luellen memorandum of November 19, 1947, (Co. X B) must be considered as presumptive evidence of the practice followed for many years. Paragraph 6, thereof indicates that employees who intend to waive a promotion "must advise the Company a reasonable time prior to the time the waiver shall become effective". This criteria of reasonable notice was not met, assuming again that the Grievant advised the Foreman of his desire to waive promotion to the vacancy of Supply Tractor Operator.

Actually, the Grievant was not intending to remain in the Labor Group and to refuse to enter the sequential job. He expressed a desire to seek the promotion as a Supply Tractor Operator, but to refuse to accept an assignment to work within this particular occupation.

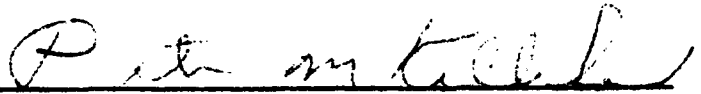
Employees do not have a right to pick assignments and the Foreman's refusal of his request to pick the easier and preferred assignment does not constitute discrimination.

The weight of the evidence is that this employee was not prevented by safety regulations from operating the Fork Tractor. He had a "green button" which would not have been issued to him if he did not have the required "S" rating. Departmental records also show that he had been issued the "S" rating.

The evidence fails to disclose that he made any claim that he lacked an "S" rating at the time of the incident. He drove this equipment immediately prior and subsequent to the February 12, 1960 incident. His claim that he injured his leg that morning on the way to work was made for the first time in the latter portion of the third step hearing. There is no evidence in this record that he reported this alleged injury to the Company clinic prior to his refusal to accept the assignment. The Foreman denied that he made any mention of this alleged disability prior to or coincident with his refusal. This sudden refusal to accept this assignment when the Foreman was attempting to get the job under way can only be construed as an attempt to pressure the Foreman into giving the heavier work to a more senior employee who is approximately sixty years of age. This does constitute insubordination.

AWARD

The grievance is denied.

  
Peter M. Kelliher

Dated at Chicago, Illinois

this 8 day of August 1961.