

In the Matter of Arbitration Between:

ARBITRATION AWARD NO. 448

INLAND STEEL COMPANY

- and the -

UNITED STEELWORKERS OF AMERICA,

Local Union No. 1010

Grievance No. 16-G-23

Appeal No. 366

PETER M. KELLIHER  
Impartial Arbitrator

APPEARANCES:

For the Company:

Dr. H. Glenn Gardiner, Director, Medical Department  
Mr. W. A. Dillon, Assistant Superintendent, Labor Relations Dept.  
Mr. H. E. Muller, Superintendent, Roll Department  
Mr. N. B. Powell, Assistant Superintendent, Roll Department  
Mr. R. J. Stanton, Assistant Superintendent, Labor Relations Dept.  
Mr. J. Borbely, Divisional Supervisor, Labor Relations Dept.  
Mr. G. P. Bittner, Occupational Hygiene Technician, Medical Dept.  
Mr. J. L. Federoff, Divisional Supervisor, Labor Relations Dept.  
Mr. A. N. Hodge, Turn Foreman, Roll Department  
Mr. A. W. Kapshull, General Foreman, Strip Mill, Roll Shop  
Mr. H. S. Onoda, Labor Relations Representative, Labor Relations Dept.

For the Union:

Mr. Cecil Clifton, International Representative  
Mr. John Falcone, Aggrieved  
Mr. Ted Rogus, Griever  
Mr. Al Garza, Secretary, Grievance Committee  
Mr. Peter Calacci, International Representative

STATEMENT

Pursuant to notice, a hearing was held in Gary, Indiana, on September 20, 1961.

THE ISSUE

The grievance reads:

"The aggrieved, John Falcone, #13153, alleges that he was demoted from Roll Grinder occupation to Labor without cause.

John Falcone requests reinstatement to the occupation of Roll Grinder on #9 Machine plus retroactivity."

## DISCUSSION AND DECISION

The essential issue in this case is whether John Falcone was demoted from his occupation of Roll Grinder to the occupation of Laborer without good cause. Whether the Grievant has contact dermatitis or dyshidrosis, medical opinion is that contact with sal soda solution or sodium carbonate solution will irritate either type of condition. All of the evidence in the record shows this to be true. The Union presented the testimony of Dr. Alvarez. He testified:

"However, once these blisters occur and they get infected, of course, anything he comes in contact with could irritate it."

"...although we can't say for sure, the most likely diagnosis is this dyshidrosis with some mental overlay."

"There would be no question, then that contact with a sal soda solution or sodium carbonate solution would irritate his condition?

A. Yes, it could, once it was erupted, but it would not necessarily bring it on."

"And this was the extent of--Mr. Falcone's case was a serious case and therefore there were referrals to specialists?

A. That's right."

(Tr. 13 and 14).

The evidence is that on the job of Roll Grinder it is not possible to wear gloves at all times and there is a spray of the solution that can cause irritation if the employee suffers from either condition.

The Company did modify the Laborer job for Mr. Falcone. The Laborer does not work in the direct area of the spray. The Grievant in his own testimony indicated that his brother and the Turn Foreman advised him to go home when they saw his hands and the red streak "crawling up his arm". His hands have become infected. There is no evidence in this record that would show that his hands are in such condition that this aggravation was not possible. The Grievant lost nineteen (19) weeks of work in the last year.

The Company referred the Grievant to Doctors Becker and Buchholz both of whom indicate that this condition can be aggravated by exposure to the irritants that the Grievant must work with on the Roll Grinder job. While these solutions would not ordinarily cause irritation to Roll Grinders, there can be no question that it will cause irritation to an employee who has blisters on his hands caused by dyshidrosis. There is some indication in this record that consideration was given to the matter of assigning the Grievant to the Floor Plate job which he had performed in the past, but the Hygiene Department would not permit this because of the environmental conditions on that job. The Union did not show that there was any other job paying the same rate that the Grievant could perform. The General Foreman denied that the Grievant was ever assigned to work with soda or cleaning out tanks while he was on the Laborer job. It was the testimony of the General Foreman that he told the Grievant that he was to be "his own policeman on this", i.e., he should not perform work as a Laborer that he believed would bring him in contact with irritants. The weight of the evidence is that the "yellow slip" was checked in error and that a medical restriction would not be lifted simply on the basis of this slip. It was merely an order that the Grievant should return to the same job that he had been on before his absence. Medical restrictions are lifted by written orders from Doctor Gardiner to the Superintendent.

The Company has a duty under Article XI, Section 1, to "continue to make all reasonable provisions for the safety and health of its employees at its plants". Considering the medical evidence in this record, the Company was on a sound basis in not permitting the Grievant to perform work on the Roll Grinder job where he would come in contact with irritants that would aggravate the condition of his hands.

#### AWARD

The grievance is denied. Mr. Falcone's demotion to the occupation of Laborer was for good cause.

  
Peter M. Kelliher

Dated at Chicago, Illinois  
this 15th day of February 1962.