

P. Grant

INLAND STEEL COMPANY)

and)

UNITED STEELWORKERS OF AMERICA)

Local Union 1010)

Grievance No. 20-G-19

Appeal No. 399

Arbitration No. 454

Opinion and Award

Appearances:

For the Company:

W. A. Dillon, Assistant Superintendent, Labor Relations
R. H. Ayres, Assistant Superintendent, Labor Relations
A. T. Anderson, Divisional Supervisor, Labor Relations
H. S. Onoda, Labor Relations Representative, Labor Relations
J. J. Matusek, Assistant Superintendent, Mechanical Department
A. Gavlikowski, General Foreman, Carpenter Shop, Mechanical Department
R. Coffey, Foreman, Carpenter Shop, Mechanical Department

For the Union:

Peter Calacci, International Representative
Don Black, Chairman, Grievance Committee
Al Garza, Secretary, Grievance Committee
S. Jackura, Grievant
James Balanoff, Griever
James Kelly, Witness

This is a discipline case. Grievant, a Carpenter assigned to No. 3 Open Hearth Department, while working in No. 39 furnace was charged as follows in the discipline notice:

"While handling two planks, you struck another worker in the back. When your Foreman cautioned you to work more safely, you responded by throwing these two planks at him, nearly hitting him. You then cursed at your Foreman. When you were asked to repeat your profane remark, you complied and also added further profanity."

This notice referred to the need to work safely and to display respect and avoid insubordination toward supervision, and concluded:

"For the above described infraction of Company Safety Policy it becomes necessary to discipline you as follows:

The loss of the balance of the turn on June 24, 1960."

In the Company's Answers in Steps 1, 2, and 3, it was repeated directly or by reference to the discipline notice that grievant threw the planks at the Foreman. The Third Step Answer also spoke of the profane and disrespectful remarks directed at the Foreman by the grievant.

While the grievance denies the facts alleged by the Company, grievant at the hearing admitted that he twice touched another worker lightly with

the planks and that he used an impolite expression of impatience in exasperation when the Foreman "rode" him needlessly over this minor incident. He denied that he threw the planks at the Foreman and that he used the extremely profane words which the Foreman alleged he used.

There were three other employees in the immediate area at the time. Neither the Company nor the Union called any of them in at any of the grievance steps. One of them, however, testified at the arbitration hearing in support of grievant's position, but his testimony as to what was said was extremely vague. Only on the matter of whether grievant threw the planks at the Foreman was he positive and clear. He flatly contradicted the Foreman on this. He also made very light of the so-called bumping of the other worker with the planks.

The work in question was being done inside the furnace under difficult and unpleasant conditions. Tempers were apparently easily aroused at the moment, on the part of both the Foreman and the grievant. The Foreman admitted, according to the Company's Third Step Answer, that grievant's original remark was general in nature and not directed at him. Only when he asked grievant to repeat it, according to the Foreman's testimony, was it elaborated and directed at him. Grievant was thereupon disciplined for insubordination but primarily as stated in the discipline notice for violating safety rules, the principal feature being that grievant endangered the Foreman by throwing the planks at him.

At the arbitration hearing, however, the Foreman changed this part of his description of what occurred, testifying that grievant merely dropped the planks and did not throw them at him.

This belated change in the Foreman's version of what happened raises doubts. Apparently, he thought he needed to buttress his position to sustain the justification for sending grievant home. Actually, if grievant threw the planks at the Foreman, this would have warranted a more severe penalty than merely the loss of the rest of the turn.

Nevertheless, grievant did bump his fellow-worker a second time, and did use some profanity when cautioned by the Foreman. This merited a reprimand, but, under all the circumstances, including grievant's work record of 15 years, nothing more.

AWARD

Grievant should have been given only a reprimand for bumping his fellow-worker the second time and for using profanity in responding to his Foreman's cautioning, but his conduct did not warrant the penalty of the loss of the balance of his turn on June 24, 1960.

Dated: March 29, 1962

/s/ David L. Cole

David L. Cole
Permanent Arbitrator