

In the Matter of Arbitration Between:

THE INLAND STEEL COMPANY

ARBITRATION AWARD NO. 459

- and the -

Appeal No. 431

UNITED STEELWORKERS OF AMERICA,  
Local Union 1010

Grievance No. 17-G-39

PETER M. KELLIHER  
Impartial Arbitrator

APPEARANCES:

For the Company:

W. A. Dillon, Assistant Superintendent, Labor Relations Dept.  
Sam Ralick, General Labor Foreman, Tin Mill  
R. J. Stanton, Assistant Superintendent, Labor Relations Dept.  
J. L. Federoff, Divisional Supervisor, Labor Relations Dept.  
H. S. Onoda, Labor Relations Representative, Labor Relations  
Dept.

For the Union:

Cecil Clifton, International Representative  
Al Garza, Secretary of Grievance Committee  
Lon Porter, Grievance Committeeman  
Don Bartee, Grievant

STATEMENT

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

THE ISSUE

The issue is the disposition of the following grievance:

"The Company worked A. Harris, 15821 on the job  
of Loader in the Radiant Tube Anneal on the  
following days: August 9, 10, 11, 12, 13, 1960.  
Whereas Don Bartee #15930, an older man, was not  
given a chance to fill the same.

The company pay D. Bartee, 18930, the difference  
between labors wages which he performed and the  
job of laoder which he should have performed."

## DISCUSSION AND DECISION

The Arbitrator is required to determine under the provisions of Article VII, Section 1, whether both employees were relatively equal with reference to the factor of "ability to perform the work". The principal discussion during the grievance procedure related to the Union's objection to Management's evaluation of this factor. The Arbitrator here must examine the "personnel records" to determine in the language of Section 1, Paragraph 133 whether they do or do not establish the "difference in abilities of the two employees". As the Parties have stated in Section 2 of Article VII, "These records of the employees individual performance have much influence on the 'Ability to perform the work' clause in Section 1 of this Article." It is evident that the Parties intended by this language to place considerable reliance on the personnel records and on the individual performance of employees noted therein.

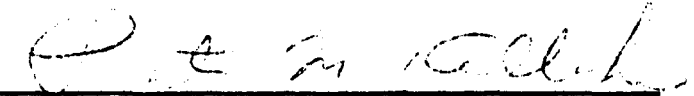
The issue in this case must relate to the "present ability" to perform the work of the Furnace Loader. The Grievant had never filled a Loader job and had not performed any related type work. The weight of the evidence is that the Loader job does not consist simply of physical or manual labor type work. The Loader does have responsibility for accumulating steel by temperatures. He must know the maximum piling height and be knowledgeable of the proper O. D. in piles. The fact that Mr. Bartee, the Grievant, had occupied a higher rated position does not mean that he has had related experience for the particular work involved. Mr. Harris, the junior employee, was able to perform this work without any training and the testimony is that Mr. Bartee would have required one or two days' training and close supervision. Neither employee was here interested in a permanent assignment in this sequence. Considering the very temporary nature of the vacancy, it would be clearly impractical to spend one or two days training, plus the exercise of close supervision for the period of time involved. Because certain factors have a similar coding in job evaluation does not prove that the experience is related. It is evident that jobs can have the same coding and be completely unrelated as to job functions.

The Arbitrator is unable to find that the Company here relied on the Grievant's ability to perform a higher rated job. The only significance of his prior performance of the Furnace Operator job is that he would not be qualified as a Furnace Operator unless he had been previously fully qualified as a Loader. Mr. Harris had in excess of six years experience as a Loader in the Batch Anneal. This experience did give him greater ability to perform the similar work of Radiant Tube Anneal Furnace Loader. The job descriptions of Radiant Tube Anneal Furnace Loader and Batch Anneal Loader indicate

a similarity in functions. The Arbitrator must find from the clear weight of the evidence that the personnel records in this case do establish a differential in the abilities of the two employees.

AWARD

The grievance is denied.



Peter M. Kelliher

Dated at Chicago, Illinois

this 23 day of January 1962.