

In the Matter of Arbitration Between:

INLAND STEEL COMPANY

- and -

UNITED STEELWORKERS OF AMERICA,
AFL-CIO, Local Union 1010

ARBITRATION AWARD NO. 489

Grievance No. 3-G-21
Appeal No. 495

PETER M. KELLIHER
Impartial Arbitrator

APPEARANCES:

For the Company:

Mr. W. A. Dillon, Assistant Superintendent, Labor Relations
Mr. R. Ayres, Assistant Superintendent, Labor Relations
Mr. C. McMorris, Assistant Superintendent, Coke Department
Mr. C. Walz, General Foreman, Coke Department
Mr. T. Peters, Division Supervisor, Labor Relations
Mr. W. Valiant, 5891, Coke Plant Employee
Mr. J. Smith, 5829, Coke Plant Employee
Mr. J. Maynor, 5714, Coke Plant Employee

For the Union:

Mr. Cecil Clifton, International Representative
Mr. Al Garza, Secretary, Grievance Committee
Mr. D. Black, Chairman, Grievance Committee
Mr. T. Cobb, Grievant
Mr. J. McChristian, Witness
Mr. I. Gothelf, Griever
Mr. R. Morris, Assistant Griever

STATEMENT

Pursuant to proper notice, a hearing was held in EAST CHICAGO, INDIANA, on May 17, 1962.

THE ISSUE

The grievance reads:

"J. McChristian, #5612, is contending that he has never had a waiver, but younger employees are being promoted to the Doorman Pusher side ahead of him and they are J. W. Smith, #5829, W. Walton, #5547, G. Wesson, #5736, and J. Maynor, #5714. This all

started the week of March 13, 1960.

Request that the Aggrieved be promoted to Doorman coke side ahead of the above-mentioned employees and paid all moneys lost."

DISCUSSION AND DECISION

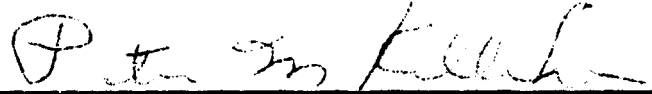
The principles set forth in Award No. 488 are controlling in this case. The principal factual difference here is the identity of the employee. Mr. J. McChristian, the Grievant, does claim that he had never seen the seniority lists posted in Plant 3. This is directly contrary to the testimony of Mr. Cobb, the Grievant in the companion case, who testified that lists have been posted ever since he started in 1953. Mr. McChristian did testify that beginning about 1956 and for a period of about one year he did work one day a week on the higher level Charging Car job. It may well be true that before 1957 he did promote ahead of Mr. J. Smith. Mr. Smith at the hearing did testify, however, that for the last four or five years he had been promoting ahead of Mr. McChristian on the Charging Car job while Mr. McChristian was working on the lower Doorman--Pusher job. The evidence would indicate that although Mr. McChristian may have promoted ahead prior to 1957 that for some reason after 1957 he was not accepting these promotions.

Mr. Smith also testified that at no time to his knowledge did Mr. McChristian operate the Charging Car while he was serving on a lower occupation. Because of the retirement of Mr. John Dembowski a chain of promotions took place with the result that Mr. Valiant was promoted to the Doorman--Coke side job. Mr. McChristian admitted that he knew that Mr. Dembowski "had left". As of July 5, 1959, Mr. Valiant, who was younger in terms of "sequence date", was promoted to the Doorman Coke Side job because he had a higher sequential standing than the Grievant on the February 23, 1959 seniority list. This all occurred during a time when Mr. McChristian was in Plant 3 and must have been aware of this promotion. It is important to note that none of the numerous employees who had earlier sequence dates than Mr. Valiant filed a grievance with reference to his promotion to the job of Doorman--Coke Side. This constituted a group recognition of his higher sequential standing.

As stated in the prior Award, the Grievant's claim is barred by the limitation that such a challenge must be made within thirty (30) days after the posting of the list of relative relationships of the employees.

AWARD

The grievance is denied.

A handwritten signature in dark ink, appearing to read "Peter M. Kelliher", written over a horizontal line.

Peter M. Kelliher

Dated at Chicago, Illinois
this 18th day of December 1962.