INLAND STEEL COMPANY )
)
and )
)
UNITED STEELWORKERS OF AMERICA )
Local Union 1010 )

Grievance No. 5-G-32
Appeal No. 522
Arbitration No. 492

Opinion and Award

Appearances:

For the Company:

W. A. Dillon, Assistant Superintendent, Labor Relations
F. P. Johnson, Assistant Superintendent, No. 2 Open Hearth
R. Gagelski, Assistant General Mechanical Foreman, No. 2 Open Hearth

For the Union:

Cecil Clifton, International Representative
A. Garza, Secretary, Grievance Committee
Leo Hernandez, Griever
John Shebesh, Assistant Griever
John Davenport, Aggrieved
John Meehan, Witness

The question raised by this grievance concerns the ability factor when upon decrease in force or stepback the Company selects the employee with the lesser length of service for a contested job. The grievance cited Sections 1 and 9 of Article VII. The Company calls attention also to the introduction to Article VII (Paragraph 128) and to Section 6.

The grievant, Davenport, and another employee, Hebblethwaite, both working as Handyman 2nd Class, have sequence dates respectively of July 14, 1953 and August 8, 1953. In October, 1960 the Mechanical force was cut back and both were at the job level of Krane Kar Operator (a mobile crane operator position). There was only one such position open and the Company assigned Hebblethwaite while grievant was laid off. It did so because Hebblethwaite had in 1955 completed a 30 turn training period on this job and had worked on the job for 261 turns, while the grievant who had bid for this job in 1958 requested that he be relieved of it after four turns of training under the direction of an instructor.

On the basis of the provisions of Article VII, Section 1, and the several interpretations thereof, in Arbitration Nos. 46, 258, 372, and 452 in particular, there can no longer be any serious dispute over the fact that when a promotion is involved and there are two rivals, length of continuous service governs where the factor of ability is relatively equal, and that in the evaluation of relative ability Management is the judge, unless the personnel records do not establish a differential in the relative abilities.

The personnel records of these two employees clearly show a differential in their respective abilities to perform this Job Class 10 job.

The only real question is whether the same rules apply to the filling of the position when a stepback or layoff is involved.

Article VII is prefaced by Paragraph 128 which states:

> "The Company and the Union recognize that promotional opportunity, job security when decrease of forces takes place, and reinstatements after layoffs should merit consideration in proportion to length of continuous service. It is also recognized that efficient operation of the plant greatly depends on the ability of the individual on his particular job." (underlining added)

It should be noted that Section 1, digested above, follows immediately after Paragraph 128.

Section 6(c) of Article VII (Paragraph 153) is as follows:

> "(c) Stepbacks. All stepbacks within a sequence for any reason shall be in accordance with the provisions of this Article. When such stepbacks are being made, the Company shall not apply the ability factor where the employee has performed the duties of the job for six (6) months or more."

This plainly suggests that the ability factor is to be considered when stepbacks are involved unless the employee has established an immunity from questioning by six months of service on the job.

Section 9 relates to layoffs and force reductions. The pertinent portion is in sub-paragraph A(3), as follows:

> "Employees will be demoted in the reverse order of the promotional sequence in accordance with factors (a), (b) and (c) defined in Section 1 of this Article. Where factors (b) and (c) are relatively equal, continuous length of service shall govern. No question may be raised with respect to factor (b), 'Ability to perform the work,' where the employee has held and performed the duties of an occupation for six (6) months or more."

Here, again, by reference back to Section 1 and by relieving an employee with at least six months of experience on the job from having his ability questioned, it is perfectly evident that in a case in which the complaining employee has not had such job experience for six or more months, his relative ability may be questioned, pursuant to Sectinn 1, even when a layoff or reduction in force is involved.

As indicated above, the personnel records demonstrate beyond question a superior ability on the part of Hebblethwaite to perform the job of Krane Kar Operator as compared with that of grievant.

AWARD

This grievance is denied.

Dated: August 31, 1962

/s/ David L. Cole
David L. Cole
Permanent Arbitrator