

In the Matter of Arbitration Between:

INLAND STEEL COMPANY

- and -

UNITED STEELWORKERS OF AMERICA,
Local Union No. 1010

ARBITRATION AWARD NO. 506

Gr. Nos. 23-G-60 and 23-G-86
Appeal Nos. 560 and 561

PETER M. KELLIHER
Impartial Arbitrator

APPEARANCES:

For the Company:

Mr. W. A. Dillon, Assistant Superintendent, Labor Relations Dept.
Mr. J. Stanton, Assistant Superintendent, Labor Relations Dept.
Mr. J. Federoff, Divisional Supervisor, Labor Relations Dept.
Mr. G. Applegate, Job Analyst, Wage & Salary Administration Dept.
Mr. J. Smith, Turn Foreman, Finishing, No. 3 Cold Strip Dept.
Mr. E. Graves, Inspection Foreman, No. 3 Cold Strip Dept.

For the Union:

Mr. Cecil Clifton, International Representative
Mr. James Tharpe, Grievance Committeeman
Mr. William E. Bennett, Secretary, Grievance Committee
Mr. Charles Blackburn, Witness
Mr. Robert Wysocki, Witness

STATEMENT

Pursuant to proper notice a hearing was held in GARY, INDIANA, on September 7, 1962.

THE ISSUE

Grievance No. 23-G-60 reads:

"Aggrieved employee, Wysocki, Check No. 25511, alleges that on June 9, 1960, he worked as an Inspector but was not paid the rate of that job; instead he was paid as a Bench Feeder."

The relief sought reads:

"Aggrieved requests the rate of Inspector for work performed on June 9, 1960."

Grievance No. 23-G-86 reads:

"The aggrieved, Inspection Helpers, Index No. 87-0493 contend they are meeting and performing the requirements of a Bench Inspector, Index No. 87-0491, but is not receiving the established rate of pay while inspecting and sorting (up-grading) scrap to waste wasters."

The relief sought reads:

"Request to be paid the established rate of pay for inspection in #3 Cold Strip while inspecting salvage material, including 30 days prior to the filing of this written grievance."

DISCUSSION AND DECISION

There is considerable testimony in this record as to whether the Company paid the Inspector rate when the employee was required to determine if this material was to go into Open Hearth scrap or was properly classified as a saleable Waste Waster. The record shows that the Union did not make any claim during the first three steps of the grievance procedure that one of the two employees was being paid at the Inspector rate for performing this work for any extended period of time after October of 1958 when this classification first performed work in the No. 3 Cold Strip Mill. It is the Company's position that it did pay the Inspector rate only in situations where an Inspector had been scheduled out and it was necessary under the terms of the Contract to pay him four hours at his regular Inspector rate even though he performed work in this lower Helper classification. Even if the Union's testimony were to be admitted at this time, it would be necessary to know the specific dates and the circumstances wherein employees were alleged to have been paid the higher Inspector rate when they had not been scheduled out as Inspectors.

It must be noted that the job description for Inspector Helper does contemplate at least a low level of Inspection work. An employee in this classification is required to observe "sheets for obvious defects". Under the Judgement factor, he must "inspect for obvious defects". (Emphasis added.) A reading of the Waste Wasters' definition indicates that the type of defects are "obvious".

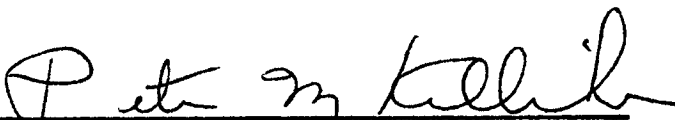
When the Union in 1958 received the factor comparison for the Helper job, it was put on notice that the Company was using substantially the same job description as had been used for a Bench Feeder in the No. 1 and No. 2 Cold Strip Mills. Both this job and the Inspector Helper

in the No. 3 Cold Strip Mill had a total point value of 40. The judgement factor for the Bench Feeder reads in part "inspects for obvious defects". (Emphasis added). Under the work procedure the Bench Feeder was required to "watch for obvious service defects and inform Inspector of any noted conditions that required his attention." (Emphasis added.)

The Union made no showing that the work in the No. 1 and No. 2 Cold Strip Mills with reference to inspecting Waste Wasters was in any substantial respect different than that performed in the No. 3 Cold Strip Mill by Inspector Helpers. For whatever reason the Bench Feeders filed no grievance alleging that at least one Bench Inspector in the two-man crew must be assigned to this work of inspecting Waste Wasters at all times. Certainly if these employees believed they had a valid grievance, because there is a difference of seven job classes between Bench Inspector and Bench Feeder, such a claim would have been asserted. There is no basis for concluding that the Company would assign three employees to this work rather than two simply because the job was on an incentive basis.

AWARD

The grievances are denied.


Peter M. Kelliher

Dated at Chicago, Illinois

this 4 day of March 1963.