

In the Matter of Arbitration Between:

INLAND STEEL COMPANY
- and -
UNITED STEELWORKERS OF AMERICA,
AFL-CIO, Local Union 1010

ARBITRATION AWARD NO. 509
Grievance Nos. 16-G-117
and 16-G-118
Appeal Nos. 574 and 575

PETER M. KELLIHER
Impartial Arbitrator

APPEARANCES:

For the Company:

Mr. W. A. Dillon, Assistant Superintendent, Labor Relations
Mr. J. Borbely, Divisional Supervisor, Labor Relations
Mr. R. L. Williams, General Mechanical Foreman, No. 1 and
No. 2 Cold Strip
Mr. J. Stanton, Schedule Clerk, No. 1 and No. 2 Cold Strip

For the Union:

Mr. Cecil Clifton, International Representative
Mr. Al Garza, Chairman, Grievance Committee
Mr. William Bennet, Secretary, Grievance Committee
Mr. Ted Rogus, Griever
Mr. James Edgeman, Assistant Griever

STATEMENT

Pursuant to proper notice a hearing was held in GARY, INDIANA, on September 26, 1962.

THE ISSUE

Grievance No. 16-G-117 reads:

"Aggrieved employees established in Mechanical Sequence allege Management is in violation of Collective Bargaining Agreement when they posted job opening for two employees (as permanent) in Mechanical Sequence and they in turn are working short time. Mechanical employees are scheduled from Monday to and including Saturday, with Sunday as a fire watch turn. These two employees have no sequential standing in mechanical sequence yet are sharing time with sequentially established employees. Employees, namely W. Rippey, #15488, and

C. Waldon, #14046, are the two employees absorbed on the lost bid as of the week of November 20, 1960."

The relief sought reads:

"Pay sequential employees all moneys lost due to above-mentioned allegation."

Grievance No. 16-G-118 reads:

"Aggrieved: Employees established in Mechanical Sequence allege Management is in violation of Collective Bargaining Agreement when they scheduled two non-sequential employees, namely F. Penman, #15116, and J. Paine, #14260, to share time with sequentially established employees as of November 20, 1960."

The relief sought reads:

"Pay sequentially established employees all moneys lost due to above-mentioned allegation."

DISCUSSION AND DECISION

Actually the week in question should be the week beginning November 27, rather than November 20, 1960. During said week some employees with sequential standing in the Mechanical Sequence were working only thirty-two (32) hours a week when employees Rippey, Waldon, Penman, and Paine were sharing work in this sequence. It is the Union's position that the aforementioned employees did not have sequential standing as of the week in question, and were, therefore, not entitled to share the work in that sequence under the conditions then existing. Although the evidence indicates that Rippey and Waldon had worked more than thirty turns in this sequence from June 9 to November 20, 1960, they did not do so pursuant to the posting of permanent vacancies that existed after Mr. Dalfonso had quit and Mr. Arnsten had retired. Mr. Dalfonso was a Millwright 2nd Class and Mr. Arnsten was a Carpenter Leader. Permanent vacancies in jobs more than one step above the Labor Pool which are due to previous occupants length of continuous service being terminated as here, are to be filled by employees within the sequence entitled to the job under the provisions of Article VII. It is then contemplated that permanent vacancies in sequential occupations only one step above the Labor Pool are to be filled by posting of a notice of such vacancy. At the time these vacancies occurred no notice of a vacancy was posted. If employees under these circumstances are to be allowed to attain sequential standing without a posting, this would mean that employees with higher sequential standing who may have wanted to bid on these jobs would be deprived of an opportunity to bid pursuant to a posting. Junior employees would be acquiring sequential standing without having to bid.

In Grievance No. 16-G-131 (Union X 2) dated January 25, 1961, the Union there charged in the grievance that the Company had failed to post a permanent job opening made possible by the retirement of an employee. In Grievance No. 16-G-162 dated March 16, 1961, the claim was also made that upon the retirement of a particular employee the Company failed to post a permanent opening in the Roll Grinder Sequence to maintain a normal force. The Company's answer reads as follows:

"The action taken by departmental management in the instant situation was in accordance with the Collective Bargaining Agreement.

It was determined there was no necessity for posting for the vacancy created by J. Lombergar's retirement. The existing force of sequential employees at the time of the filing of this grievance was adequate to perform the work required. The Strip Roll Shop was on a thirty-two (32) hour week schedule. When the need arises wherein it becomes necessary to fill subject vacancy the job will be posted.

The request of this grievance is denied." (Un. X 3).

Although Management in the present case claimed that they needed these four additional employees in order to cover twenty-one turns that had to be worked, the Company has failed to show that these additional employees were necessary to maintain an adequate force to perform the work required. There is no evidence to indicate that because the Bull Gang was working on Wednesday during the week in question that all other employees were also working on this Wednesday.

There is no basis for an assumption that the four named employees would have been the successful bidders if the vacancies had been properly posted. The Company is in no position to know what other employees would also have bid at that time. Without knowing all of the employees who would have bid the Company cannot make a valid assumption as to which employees would have been awarded the openings.

AWARD

The grievances are sustained.


Peter M. Kelliher

Dated at Chicago, Illinois

this 22 day of October 1962.