

INLAND STEEL COMPANY)

and)

UNITED STEELWORKERS OF AMERICA)
Local Union 1010)

Grievance No. 20-G-99

Appeal No. 696

Arbitration No. 532

Opinion and Award

Appearances:

For the Company:

W. A. Dillon, Assistant Superintendent, Labor Relations Department

R. H. Ayres, Assistant Superintendent, Labor Relations Department

J. J. Matusek, Assistant Superintendent, Mechanical Department

G. A. Jones, Supervisor, Industrial Engineering Department

A. T. Anderson, Division Supervisor, Labor Relations Department

J. Nadeff, General Foreman, Machine Shop

J. Anderson, Tools and Tool Room Foreman, Machine Shop

For the Union:

Cecil Clifton, International Representative

Theodore J. Rogus, Acting Secretary, Grievance Committee

James Balanoff, Grievance Committeeman

George M. Chigas, Assistant Grievance Committeeman

This grievance, filed by four 1st Class Tool Grinders, asserts that two Machinists are working 40 hours per week on tool grinding work in the Grinder Sequence while grievants are working only 32 hours per week. This is charged to be in violation of Article VI, Section 1, and Article VII, Sections 1, 3, 4, and 9, and the request is that the Tool Grinders be paid eight hours of wages and incentive earnings for the week beginning March 12 ("and for all further time lost by them by the above scheduling").

At the hearing the Union advanced and relied on the reasoning and holdings of Arbitration Numbers 463 and 468. The essence of these rulings, as stated by Arbitrator Kelliher in Arbitration Number 463 is:

"The preamble to Article VII is not without meaning. 'Job Security' when a decrease of forces takes place should merit consideration 'in proportion to length of continuous service'. Seniority connotes a system of job tenure whereby employees acquire a degree of employment security or employment preference based upon their length of service. Article VII, Section 9, establishes in a situation such as existed in this case where there was a decreased in the turns available because of decreased business activity that a specified procedure was to be followed. While the Labor Pool employees cannot be said to have been probationary employees within this sequence, under Section 9 A, Paragraph (1), they, nevertheless, had no length of service credit in this sequence. Under this decrease in force situation they should have not been placed on jobs in the sequence, while sequential employees were working less than five turns."

The difficulty is that, unlike the employees in the labor pool, in both Numbers 463 and 468, the employees who worked 40 hours on tool grinding work while the Tool Grinders were scheduled for only 32 hours were Machinists, who,

while in a different sequence, nevertheless have tool grinding as part of their designated work in their own job description, and have performed such work without protest for more than 15 years. In fact, the job description of the Machinists antedates that of the 1st Class Tool Grinders, being in effect since January 1, 1946, as compared with that of the Tool Grinders which was established in June, 1947.

In the primary function of the job description of the Machinist "operate machine tools" is mentioned, and under the heading of Work Procedure, there is included:

"Selects, grinds and adjusts cutting tools in accordance with machinability and hardness of item, type of cut or finish to be made, and such other properties, of parts as cause variations in machining."

For the Machinist 48 months of experience is essential, but obviously this covers a much wider range of machine tools and other activities than those to which the Tool Grinder is confined. Yet, it should be noted that the 1st Class Tool Grinder also requires 42 months of experience.

The primary function of the Tool Grinder 1st Class is:

"Grind a variety of tools for general Machine Shop and Mill maintenance."

The work procedure outlines a variety of tool grinding operations, and the job description declares that the Tool Grinder is directed by the Tool Maintenance Machinist.

Both the Machinist Sequence and the Grinder Sequence are in the sub-department called Machine Shop #1 Plant, and the undisputed fact is that the two Machinists in question have been working on tool grinding alongside the grievants for over 15 years. For some months starting August 28, 1960 both groups worked only 32 hours per week, and no objection was raised by either. Incidentally, throughout, the Tool Maintenance Machinist worked 40 hours or more and this is not protested nor has it ever been questioned by the Tool Grinders, for, as indicated, they are subject to the direction of the Tool Maintenance Machinist.

From January 8, 1961 through the week of March 26, 1961 the Tool Gridders were on a four-day week while the Machinists in question were on alternating four and five-day weeks. Starting April 2, through the week of May 21 the Tool Grinders were placed on alternating four and five-day weeks, but the Machinists were given five-day weeks.

One of the Machinists, Sopko, invariably during the period in question was on his fifth day of work assigned as Tool Maintenance Machinist, and in five of eleven weeks the other Machinist, Battersby, also served as Tool Maintenance Machinist on one of his five days of work. It would seem that in serving in this capacity when the regular Tool Maintenance Machinist is not on duty, a Machinist may not on any theory be held to have usurped work which is peculiarly or exclusively that of the Tool Grinders.

Our issue relates solely to the weeks in which a Machinist worked five days as a Machinist on tool grinding work while Tool Grinders were restricted to four days.

The principles of Arbitration Numbers 463 and 468 are applicable, but are equally applicable to both those in the Grinder Sequence and those in the Machinist Sequence. Tool grinding is the established work of both, -- their respective job descriptions as well as their work practices over a period of years demonstrate this. This distinguished this case from the situations confronted in Arbitration Numbers 463 and 468 where employees, with no sequential standing, were permitted to perform work within the sequence while employees with sequential standing were given less than 40 hours of work. The essential difference is that tool grinding is not the exclusive work of either the Tool Grinders or the Machinists, but rather the joint work of both classifications. At the same time, it is work characteristic of each of these occupations, unlike the kind of work involved in Arbitration Number 533.

The question still remains as to how the available work should be allocated to two groups of employees, each with equal rights to do it, when there is not sufficient for 40 hours for all members of both groups.

In the past, for many years, the answer was that provided by the established and accepted practice of giving each group equal amounts of work -- whether on a 40 hour basis or on a 32 hour basis. In practical effect, this has amounted to a local understanding in this sub-department.

The Company frankly acknowledged that its reason for giving the Machinists more favorable treatment was to offset the proselyting of its Machinists by other companies in the area. It had, also, to accord these Machinists the same five-day work week it was giving to other Machinists. This gave rise to this grievance, the Tool Grinders asserting their sequential rights to the work because of their feeling they were being discriminated against when for the first time they were given less than 40 hours while the Machinists doing similar work were given 40 hours.

We were referred to arbitration awards at other steel companies, in which, in general, Management's right to assign work to either of two classifications was sustained where either could under its job description perform the work in question. The trouble is that none of these other companies have the sequential seniority arrangement which is uniquely that of Inland.

As already stated, the assignment of a Machinist as Tool Maintenance Machinist is outside the scope of the Union's complaint. We are concerned only with those weeks in which a Machinist, acting solely as a Machinist, was assigned for 40 hours to tool grinding while Tool Grinders were limited to 32 hours. We must assume that there was this amount of tool grinding work available.

In the past, the respective claims to the available work have been satisfied by giving equal treatment to the two groups. This has been so, probably, because the procedures of Article VII, Section 9 A are applicable only in situations in which the work is exclusively that of a single sequence, not of two competing sequences as in this case. This course should have been continued in effect.

To the extent that in any week there was work for one or more Machinists (not Tool Maintenance Machinists) in tool grinding for eight more hours than for the Tool Grinders who were on a 32 hour week, such available work should have been shared with the Tool Grinders. It could have been done on a rotating

basis or by some other method which would carry forward the well established practice of equalizing the amount of work available when operations are on a 40 hour or lesser basis.

To effectuate the award in this grievance it will be necessary for the parties to work out a method of dividing the available work so that each group shall have an equal share of it.

A W A R D

This grievance is granted to the extent stated above.

Dated: February 13, 1963

/s/

David L. Cole
Permanent Arbitrator