

In the Matter of Arbitration Between:

INLAND STEEL COMPANY

- and -

UNITED STEELWORKERS OF AMERICA,
AFL-CIO, Local Union No. 1010

111-1
ARBITRATION AWARD NO. 539

Grievance No. 14-G-55

Appeal No. 824

PETER M. KELLIHER
Impartial Arbitrator

APPEARANCES:

For the Company:

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

Mr. J. Kiser, General Foreman, 44-76" Slab Yard Department

Mr. P. Buda, Industrial Engineer, Industrial Engineering
Department

Mr. T. R. Tikalsky, Assistant Superintendent, Labor Relations
Department

For the Union:

Mr. Cecil Clifton, International Representative

Mr. Manuel Fernandez, Griever

Mr. Al Garza, Chairman, Grievance Committee

STATEMENT

Pursuant to proper notice a hearing was held in GARY, INDIANA,
on April 2, 1963.

THE ISSUE

The grievance reads:

"Aggrieved, J. C. Hicks, Check No. 9338, contends he
was denied promotion to scarfer job."

The relief sought reads:

"To be placed on the job as established man and to
be paid all moneys lost."

DISCUSSION AND DECISION

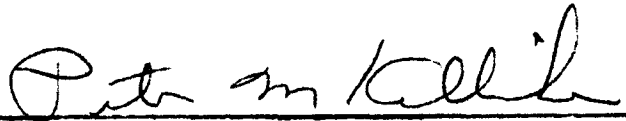
The best test of ability is in terms of performance on the job.
This Arbitrator agrees with the Union that certain variables exist
as to product mix, availability of steel, condition of the slabs, etc.
Employees, however, working on the same turn on the same day should

be faced with approximately the same conditions. These conditions should also balance out for other turns over a period of time. It is noted that the Grievant, Mr. J. C. Hicks, never at any time during the period including May of 1960 to and including April of 1961, although he worked 64 turns, made the expected earnings of \$11.33. Mr. Collins, who was promoted to the Scarfer job, did not work any turns during May, June, July and August of 1960. In September on his first two turns, he averaged \$6.36 incentive earnings over base rate. The Grievant when he first commenced work in May of 1960 during his first seven turns in the month averaged \$5.59 incentive earnings over base rate. In July of 1960, Mr. Hicks, although he had twelve turns in the two prior months in order to become accustomed to the work, averaged only \$2.14 on the nine turns during July of 1960. None of the other employees either on turns that Mr. Hicks worked or on turns that Mr. Collins worked had this low an incentive earnings over base rate during the entire period shown. (Co. Ex. C). Once Mr. Collins became "re-accustomed" to the work after having worked only four turns, he not only exceeded the average expected earnings, but had greater earnings than the other employees working on his turn and he continued to thus produce more than all of the other employees on his turn up to the period of March 18, 1961. Although the Grievant had some fifty turns that would accustom him to the work, it is noted that on March 2 and March 3, he earned only \$4.84 incentive earnings over base rate, while the other employees on his turn were earning considerably above this figure.

This Arbitrator does not believe that the contractual test requires that the employee with the longest continuous service be precisely equal to the junior employee. The disparity here in job performance is "substantial" even discounting a reference in the record to the Grievant having been called into the General Foreman's office "in regard to his low production and poor workmanship and regards to his sloppy control of his scarfing cuts". Both the Grievant and Mr. Collins were working intermittently in the period from May 1960 to and including April of 1961. Although the Grievant had a greater number of turns during which he could become accustomed to this work, his work performance was substantially below not only Mr. Collins, but the employees working on the same turns that he worked.

AWARD

The grievance is denied.


Peter M. Kelliher

Dated at Chicago, Illinois

this 18 day of April 1963.