

INLAND STEEL COMPANY

and

UNITED STEELWORKERS OF AMERICA
Local Union No. 1010

Grievance No. 16-G-209
Appeal No. 862
Arbitration No. 541

Opinion and Award

Appearances

For the Company:

W. A. Dillon, Superintendent, Labor Relations
R. J. Stanton, Assistant Superintendent, Labor Relations
S. Deleget, Inspection Foreman, No. 1 and No. 2 Cold Strip Mill
R. Moulesong, Turn Foreman, Inspection, No. 1 and No. 2 Cold Strip Mill
J. Borbely, Divisional Supervisor, Labor Relations

For the Union:

Cecil Clifton, International Representative
Al Garza, Chairman, Grievance Committee
Ted Rogus, Griever

This is a discipline case involving three employees who were working on June 29, 1961 as the crew of the 74 inch Roller Level Unit in No. 2 Cold Strip. They were charged with shutting down the unit in order to have coffee, contrary to instructions, were suspended for the balance of the turn and discipline statements were placed in their personnel files. The three grievants protest that the charge is factually incorrect and that the discipline is without just cause.

The trouble in this instance grew out of a discussion the foreman had with one of the grievants the day before the incident occurred. He reported that the employee was defiant and insisted the men would have coffee, regardless of instructions not to shut down the unit for this purpose. The grievant claims he agreed the unit should not be shut down but that the men would find the opportunity to have coffee without doing so, as had been the custom for years, referring to intervals while they wait for material to process, for a crane, or for the next order to be written up by the Inspector.

The facts were contradicted, but the weight of the evidence favors this version. The lift they were working on was defective and the Inspector, after reporting this to the Inspector Foreman, told the grievants it would have to be sent back for re-rolling. While waiting for a crane the men were about to have coffee. Their foreman, observing this, went over to the Inspector Foreman and told him that the unit was shut down for no valid reason and that the men were in direct violation of the specific order not to shut the unit down for the purpose of having coffee. Hearing nothing to contradict this from NMX the Inspector Foreman, he proceeded over to the men and directed them to leave, and the disciplinary statement followed. The foreman testified that the grievants did not argue with him or protest at the time, and that it would have been possible for them to have continued with their work because they had been told to lay out the material and send the rejected material back for re-roll, conveyors being available. The grievants claimed they did not argue because

The Foreman could have gotten the facts from the Inspector Foreman, and they did not want to run the risk of being charged with insubordination or abusiveness by their turn foreman.

My impression in hearing and observing the witnesses was that this incident was viewed as a continuation of the conversation of the day before, in which the foreman felt that at least one of the men was exhibiting open defiance. But for this, the facts could have been cleared up with very little effort, by means of a simple, frank discussion. There was too much eagerness to meet what was regarded as a challenge to authority, and it was premature. If the men had in fact ignored the Company's instructions, the situation would have been different.

Two things are worth noting. (1) The lift in question was in fact sent back for re-roll. (2) The discipline statement asserted that the instructions were that the unit was not to be shut down except during the designated lunch period for the purpose of drinking coffee, while the Company's brief states that the men were told to continue with "the prior accepted procedure, namely, if and when a legitimate delay occurred they would be permitted to utilize this time for a coffee break."

On the evidence and the reasonable inferences to be drawn therefrom, this disciplinary action was not for good or just cause.

A W A R D

This Grievance is Granted.

Dated: April 17, 1963

/s/

David L. Cole

Permanent Arbitrator