In the Matter of Arbitration Between:

ARBITRATION AWARD NO. 543

INLAND STEEL COMPANY
- and -
UNITED STEELWORKERS OF AMERICA
AFL-CIO, Local Union No. 1010

Grievance No. 23-G-142
Appeal No. 896

PETER M. KELLIHER
Impartial Arbitrator

APPEARANCES:

For the Company:

Mr. W. H. Ayres, Assistant Superintendent, Labor Relations,
Mr. W. A. Dillon, Superintendent, Labor Relations,
Mr. R. C. Allen, General Foreman, Pickling and Tandem Mill (No. 3 Cold Strip),
Mr. J. L. Federoff, Divisional Supervisor, Labor Relations,
Mr. T. C. Granack, Divisional Supervisor, Labor Relations.

For the Union:

Mr. Peter Calacci, International Representative,
Mr. Al Garza, Chairman of Grievance Committee,
Mr. Douglas Drever, Griever.

Also Present:
Mr. R. Fish and
Mr. D. Martin, Grievants;
Mr. James Tharp and
Mr. B. Tharp, Witnesses.

STATEMENT

Pursuant to proper notice, a hearing was held in Gary, Indiana on May 15, 1963.

THE ISSUE

Grievance reads:

"Aggrieved employee, R. Fish, #25658, contends that the letter of discipline served upon him was unjust and unfair."

Relief Sought:

"Request aggrieved be paid all money lost and letter be so removed from his personnel record."

DISCUSSION AND DECISION

The Company issued the following "DISCIPLINE STATEMENT" to the Grievant:

"OUTLINE OF VIOLATION:
Because of below standard workmanship you were relieved of the Welder Operator job, #4 Pickle Line, at 12 o'clock noon, 19 April. On two separate occasions, 18 and 19 April, you lost the entry end coil count which caused the strip to pull tight and tear in two.

A total of 1 hour and 45 minutes of down time was incurred fishing for the strip ends, welding them together and polishing pinch rolls. Not only did each incident halt production but each imposed severe mechanical strain on entry end equipment. Under certain conditions this strain could cause major equipment damage."

"DISCIPLINE:

In view of your misjudgements on two consecutive days you are disciplined the remainder of the 8/4 turn (3 hours), 19 April plus the 8/4 turn on 20 April 1961."

The issue here is whether there was "cause" for the discipline imposed. Was the Grievant "negligent" and could he have "avoided the situation" as that terminology is used by Arbitrator Cole in Arbitration No. 540? The evidence in this record is that Mr. Fish, the Grievant, was principally employed as a Coiler and Coiler Helper. In connection with these duties, the record shows that he works a considerable distance from the Welder Operator station. It is his testimony that during the period when he served for twenty-five turns as a Welder Operator Helper he was concerned with learning that job and did not have an opportunity to study the Welder Operator job duties. The week of training that he had as a Welder Operator took place in May of 1960. He claims that during one of the other alleged two turns, he actually was not working as a Welder Operator, but received the rate because a junior employee moved up to this job under circumstances where he had to be retained on his own regular job. He simply received the rate for the Welder Operator, but did not work the position. The Union testimony is that it is necessary to have the co-operation of the entire crew, and particularly the Shearman, for the Welder Operator to perform the work efficiently. Under the circumstances here considered, there was an inexperienced crew because both the regular Welder Operator and the regular Shearman were on vacation. Members of the crew then moved up two steps in the sequence on jobs on which they had very limited experience. The Supervisor recognized after the first day of operations that it was necessary to call in the entire crew and to urge greater co-operation. The testimony is that it requires a crew that has worked together for some time in order to attain efficiency.

The weight of the evidence is that the Grievant did not have sufficient training and experience and that this should be considered as a mitigating circumstance in this case. His training turns had occurred approximately eight months prior to the incident and he had only one training turn on the Saturday before the first "pull up" on April 18. The record does show that experience is required in order to learn the "sound" of the coils as they are moving. The Supervisor referred to the Welder Operator as being able to "sense" something wrong. This can only come with experience and knowing the type of product run under varying speeds. The "line up" does not show the weight of each coil. It is not possible to obtain the weight of each coil by simply knowing the number of coils and the overall weight because some coils are lighter and shorter than other coils. Enameling Iron is rarely run. The weight of the evidence is that these lighter and shorter coils of Enameling Iron followed longer and heavier coils. The Union does concede that an experienced Welder Operator is responsible for pull-ups, but the Grievant here simply lacked training and experience.

Certainly over a period of many years since this operation began in approximately 1958, there have been numerous pull-ups where there was also a tear. The only incident prior to the present case where an employee received a disciplinary lay-off involved Mr. William Tharp. The circumstances there were substantially different than in the present case. Mr. Tharp then had at least one year's experience on the Welder Operator job and he was working with an experienced crew. His

testimony was not rebutted that he pulled up three times that day and he seriously damaged the Morton Flash Trimmer resulting in a nine-hour delay. In the present case the Grievant has had little experience actually operating without the presence of another Welder Operator. Much of his training occurred a considerable period prior to April 18. The delay was one-hour on April 18 and 45 minutes on April 19. There was no damage to the equipment. Although evidently there were many pull-ups where there were breaks or tears, the Company did not show that any Welder Operator had ever been disciplined under circumstances similar to those existing in this case.

The Union had asserted that discipline had not been applied in a uniform manner and yet at the hearing the Company produced no records to show that other employees received the same penalties in substantially similar situations. Simply because the Welder Operator may know the coil count, as the Grievant claims he knew in this case, does not warn him that a smaller coil will come through after larger coils. It is evident that employees do learn to listen to the line and thereby develop a knowledge as to how long it would take a particular coil to run. The line-up does not indicate when a small coil may be in the pit. The Operator does not see the size of the coil when it first comes in. He is only able to see the strip being "peeled out". It is noted in this case that the Grievant concedes that he misjudged the length of the coil.

It is difficult for this Arbitrator to find that the Grievant was not using his best efforts based upon his limited experience. He had every reason to attempt to perform the job in a workmanlike manner. If he failed to do so, not only would he lose earnings, but other members of the crew would suffer a loss of earnings. The Grievant's statement was not denied that the Supervisor did not discuss Enameling Iron coils and the difficulty that might be encountered if they were interspersed with longer coils. He denies that he lost count of the coils and asserts that the break occurred here at the scale breaker.

Based upon all the evidence, the Arbitrator is unable to find that the Grievant had the requisite experience and training. Considering also the fact that the evidence does not show that any employee has been disciplined under similar circumstances, the Arbitrator must find that the penalty here was not warranted.

AWARD

The grievance is sustained.

Peter M. Kelliher

Dated at Chicago, Illinois

this 22 day of June, 1963.