

In the Matter of Arbitration Between:

ARBITRATION AWARD NO. 544

INLAND STEEL COMPANY

- and -

Grievance No. 23-G-143

Appeal No. 897

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

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, D. Martin, #25663, 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 Helper job, #4 Pickle Line at 12 o'clock noon, April 19, 1961. On two separate occasions, 18 and 19 April, the entry coil count was lost which caused the strip to pull tight and tear in two. Your duties as a Welder Operator Helper require that you keep the Operator informed of the amount of steel in

the entry loop pit. In doing this you protect against a line pull-up.

Not only did a total of 1 hour and 45 minutes of down time result but each pulling up incident imposed severe strain on entry equipment. Under certain conditions this strain could cause major equipment damage."

"DISCIPLINE:

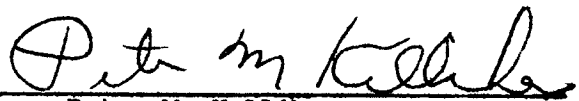
In view of your failure to meet the full obligations of your job occupation on two consecutive days, you are disciplined the remainder of the 8/4 turn (3 hours) 19 April plus the 8/4 turn, 20 April."

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 record in this case does show that the Grievant did look into the Pit, but because of the steam and the dirty water, he could not see the number of coils in the Pit. He is required to cover four stations for each coil. The "pull up" occurred when he was trying to get a tail end about 40 feet away. He indicated by his testimony that there was nothing he could have then done to stop the line in time. The Welder Helper is not given a line-up.

Since this incident, the system has been changed whereby the Helper is no longer held responsible to observe the Looper Pit. The Grievant's testimony was not rebutted that he has worked several turns as a Helper when pull-ups occurred and on these occasions, he was not talked to or disciplined in any manner. He has never had occasion to push the emergency button during the several turns he worked as a Helper. The Company concedes that they no longer hold the Helper liable to the same degree as the Operator. Under all the evidence in this case, the Arbitrator is unable to find that the Grievant could have done anything to avoid this "pull-up".

AWARD

The grievance is sustained.

  
Peter M. Kelliher

Dated at Chicago, Illinois

this 22 day of June, 1963.