

INLAND STEEL COMPANY

and

UNITED STEELWORKERS OF AMERICA

Local Union 1010

Grievance No. 11-HA-6

Appeal No. 1164

Award No. 567

Opinion and Award

Appearances

For the Company:

R. H. Ayres, Assistant Superintendent, Labor Relations
T. C. Granack, Labor Relations Representative
R. J. Stanton, Assistant Superintendent, Labor Relations
J. Federoff, Senior Labor Relations Representative
A. Jones, Labor Relations Representative
G. Tolanian, Assistant Superintendent, Plate Mill
D. Taylor, Turn Foreman, Plate Mill

For the Union:

Peter Calacci, International Representative
William E. Bennett, Chairman, Grievance Committee
Joseph Sowa, Grievance Committeeman
Jaimie Martinez, Assistant Grievance Committeeman
Stanley Slamkowski, Witness
Triunfo Gonzalez, Witness

The issue raised by this grievance is whether there is a local condition or practice to allow the No. 5 Split Shear Crews of the 100" Plate Mill Department to have a 15 minute wash-up period before each shift ends. The grievance alleges there was a local condition allowing these employees 20 minutes of wash-up time in effect for about 20 years until January 2, 1964 when Management discontinued it.

Management disputes these statements of the grievants. It maintains that wash-up time of 15 minutes has been allowed as a regular matter only to employees on the second turn when the operations have been on a two turn basis, that when operations have been on three shifts there has been no such practice, except that under the so-called "buddy" system incoming employees have been permitted to relieve their counterparts early if they did not thereby leave the equipment or the work unattended.

The parties are in accord that no unrelieved wash-up time has been allowed when special steel is being run, when a new cut is started, or when work is on production rather than inventory. It was also agreed that the rule the Union is contending for did not apply to all employees in this department, that the expediter for example would not quit early if there was material to be run except with permission of his supervisor.

This grievance rests on controverted facts. There seems to be some confusion or misunderstanding as to whether there has been a local condition or practice of the kind in question or what the condition or practice has been.

Much of the uncertainty was contributed by the Union's witnesses. The grievance alleges that there has been a local condition for approximately 20 years

of allowing these Split Shear Crews 20 minutes for wash-up time which was discontinued by Management January 2, 1964. At the third step meeting the Union complained of the discontinuance of the 15 minute wash-up practice, its principal witness stating that there had been one-half hour of wash-up time, which was reduced by Superintendent Hall to 20 minutes in 1946, and further reduced by the same Superintendent in 1963 to 15 minutes. In the grievance steps there was testimony that a certain employee had always been allowed 15 minutes and had never been disciplined or reprimanded for leaving his job early, whereas the record disclosed that he had in fact been reprimanded for leaving his work early at the end of the first turn when his relief man had not yet arrived.

A Union witness contended that since all employees were entitled to 15 minutes of wash-up time, when one's buddy arrived early he did not relieve the employee but simply stood around idly, doing nothing, while the outgoing crew washed up. This would seem to be a strange kind of buddy relief system, in view particularly of the fact that both sides agree there has been an active buddy system in this department.

These discrepancies are significant in a situation like this in which there is such a direct controversy over the facts. They have a bearing on which version to accept as more plausible or believable.

Management representatives who have been in this department for years testified or stated that the Union's description of the alleged practice was definitely erroneous, that there has been no practice of allowing time off for wash-up except when the employee is relieved by an incoming buddy or when operations are on a two-shift basis in which case employees on the second turn have been allowed 15 minutes. Even this, it was emphasized, has not applied under the special circumstances mentioned above. On the other hand, Superintendent Hall would apparently not object if employees started to wash up before the end of the shift if all the scheduled or planned work had been completed, but this was never deemed to be a matter of general practice or of right. In fact, numerous examples of reprimands or disciplinary action because employees quit early were cited, running over a period of years.

These reprimands or disciplines were not challenged by the Union. If the assertion of the employees' witness was correct, there must have been a local practice under which a half-hour wash-up period was allowed, yet when the Superintendent unilaterally reduced it to 20 minutes in 1946, no protest seems to have been made. Furthermore, if the 20 minute wash-up time had been in effect for 20 years, why did the Union not object that a local practice was being ignored when Superintendent Hall reduced this in 1963 to 15 minutes?

There is no doubt that employees in these crews have under certain circumstances been allowed to leave their work early to wash up. This has occurred when relieved, when working on the second shift of a two-shift day, and sometimes when the planned schedule of work has been taken care of. But it does not follow, as a matter of proven fact, that every employee on the No. 5 Split Shear Crews has been allowed such a wash-up period at the end of every shift as alleged. In other words, grievants have failed to prove as a fact that there has been a 15 minute wash-up period for all employees as a local condition or practice which the employees are entitled to have protected under the provisions of Article XIV, Section 5 of the 1962 Agreement.

AWARD

This grievance is denied.

/s/ David L. Cole

Dated: June 9, 1965

David L. Cole
Permanent Arbitrator