In the matter of Arbitration

Between	Grievance No. 21-L-5
	Appeal No. 1198
Inland Steel Company	Award No. 600
and	Opinion and Award
	Re: Patricia Brown Discharge
United Steelworkers of America Local 1010	

Appearances:

For the Company:
T. J. Peters, Arbitration Coordinator, Labor Relations
R. E. Ayres, Assistant Director, Industrial Relations
W. P. Boehler, Labor Relations Representative
T. L. Kinach, Senior Labor Relations Representative
J. Fulkerson, General Foreman, C/S Metallurgical Inspection
R. Wills, Foreman, C/S Metallurgical Inspection
J. Arndt, Foreman, Coil Pickler, No. 1 and No. 2 Cold Strip

For the Union:

Theodore J. Rogus, Staff Representative
Patricia D. Brown, Grievant
William Young, Vice Chairman, Grievance Committee
Don Lutes, Grievance Committeeman
Jesse Arredondo, President, Local 1010
Gavino Galvan, Secretary, Grievance Committee
Alexander W. Bailey, Chairman, Grievance Committee
Yvonne Porter, Steward

This grievance protests the action of the Company in concluding the suspension of October 25, 1971 imposed on Patricia Brown by discharging her on November 16, 1971. The grievant was a Strip Inspector in the Cold Mill Sequence of the Metallurgical Department. The discharge letter states that the action was taken "because of falsification of observer's report and overall unsatisfactory work record."

The incident leading to this disciplinary action occurred on October 21, 1971. Grievant's turn as Strip Inspector was to end at 7:30 a.m. or when her relief arrived. She left, however, at 7:05 a.m., before she was relieved and without notifying supervision, while the No. 3 Pickle Line production unit, to which she was assigned, was in operation. The incoming turn foreman discovered her absence at 7:08 a.m. and says that he examined grievant's observer's report, asked the incoming Shearman which slab was being processed,

and concluded that grievant had recorded the results of inspection of three coils or slabs that had not gone through the line at the time she left.

She was not suspended until October 25, four days later, after Management took the unusual precaution of having a pre-suspension conference. The suspension notice stated that the suspension was for five days, but, as indicated above, it was not converted into discharge until November 16, although the formal suspension hearing had been held on November 3, 1971.

The Step 3 hearing was on December 1, and the Step 3 minutes were prepared and sent out under date of February 2, 1972.

The Company referred to grievant's "overall unsatisfactory work record." She was hired September 2, 1966. On November 6, 1968 she was disciplined with a five day suspension for falsification of test results. On August 6, 1969 she left her job one hour early and was given a discipline of one hour. In December, 1970 and April, 1971 she was given safety warnings for not wearing safety glasses. At the arbitration hearing the Company indicated that the only part of her personnel record on which it was relying was the 1968 record falsification when she was working in another occupation.

On the other hand, testimony that grievant has been complimented for her work performance by her supervisors, including the turn foreman who discovered her absence on October 21, was not disputed, nor was any effort made to refute her testimony that she has been assigned to train new inspectors.

The Company stressed the importance of inspection in its quality control program, pointing out that the industry is highly competitive and that the Company's reputation for quality products is a matter of major concern.

Grievant, however, testified, that the particular order being processed at the time she left was definitely of a non-critical kind, insisting that her supervisor had instructed her to be "most lenient" in her inspection of these particular coils since they were part of an order in which quality was apparently not as important as in other orders. This testimony was not contradicted by the Company representatives.

The crucial question is whether grievant recorded the results of inspections she did not make. She insisted emphatically at all stages, including the arbitration, that she had indeed inspected the three slabs in question, which were those numbered 0028, 0026, and 0027. The Union witnesses maintained that the accurate way of determining whether these three slabs had gone by grievant's station before she left was to check with the Scaleman at the end of the line and then noting which slabs were on the line behind those at the scale.

The Company contends that the Shearman knows which slab he is processing and from this information it is possible to know whether the given slabs had gone by the Strip Inspector's station.

The evidence on this point was sharply contradictory and by no means fully convincing either way. It is a fact, however, that the turn foreman, who had arrived at the scene only a few minutes before he noted grievant's

absence, questioned the incoming Shearman and not the one who was concluding or had just concluded his turn. In neither the pre-suspension or the suspension conference or hearing was either Shearman called in to clear up the fact differences. We thus had the anomoly of meetings to clear up controverted facts, with those whose version of the facts determined the Company's decision not present. This was all the more aggravated because the grievant and her representatives were not afforded the opportunity to discuss these differences even with the turn foreman whose findings initiated the entire difficulty. He was not present at either the pre-suspension meeting or at the suspension hearing. The Company, then, based its decision on something it was told the night turn Shearman had told the incoming Shearman which the latter told to the turn foreman who in turn told it to those in Management who determined to suspend and later to discharge grievant. This is hearsay compounded, with no chance through confrontation and discussion to ascertain who was in error.

One would think that the very purpose of the pre-suspension conference and of the suspension hearing is to try to clear up such disputes over the controlling facts.

It is not desirable to arrive at a finding or conclusion based on doubts. Strip inspection is a necessary function, and the Company is surely entitled to have such inspection reliably performed when employees are assigned to and paid for performing this task. If I were reasonably persuaded by the evidence that grievant knowingly ignored her responsibility and then falsely reported the results of inspections she had not made, I would have no hesitancy in saying I would find that disciplinary action is justified.

I am not so persuaded. The case has some unusual aspects. The instructions given grievant with respect to the order of which the slabs in question were a part may have led her to take liberties and be more cursory than usual in making this inspection. The unusual pre-suspension meeting, and the delays in moving through succeeding stages or steps may reflect some doubts in the minds of Management representatives as to the facts. The failure to check at the outset with the Scaleman or with the Shearman Helper, who handles the conveyer, contribute to my uncertainty. With such uncertainty or misgivings I do not believe an employee's career with this Company should be terminated.

Discrimination was spoken of by the grievant. It was based on a belief that other employees who had made false inspection reports had not been discharged. The fact is that she herself had falsified a test report in 1968 and had not been discharged, the Company's position being that she was now disciplined because it was her second offense of this serious kind.

There may have been some resentment against grievant because she had gone over the head of one of her supervisors to complain about a lack of attention to a matter which she regarded as of serious importance to her.

But this is something of a different order from discrimination of the kind inferred. Neither the union representatives nor the grievance committee representatives made any contention or offered the slightest evidence or argument to the effect that this Company practices any form of discrimination or has any policy other than a most liberal one to the contrary.

Grievant left her job before the end of her turn and before she was relieved. She did so because the person who was to take her children to school had become unavailable. Grievant was not disciplined for leaving early, but for the reasons stated above. Perhaps this was because of the latitude allowed in the kind of inspection required on this particular order.

Having concluded that I am not satisfied on all the evidence that grievant committed the offense upon which her discharge was based, it follows that just cause has not been shown.

AWARD

This grievance is granted.

Dated: May 2, 1972

/s/ David L. Cole
David L. Cole, Permanent Arbitrator

The chronology is as follows:

Date of Suspension	October 25, 1971
Date of Suspension Hearing	November 3, 1971
Date of Discharge	November 16, 1971
Appealed to Third Step	November 18, 1971
Step Three Hearing	December 1, 1971
Step Three Minutes	February 2, 1972
Appealed to Fourth Step	February 10, 1972
Step Four Hearing	February 17 & 24, 1972 March 2 & 7, 1972
Step Four Minutes	March 17, 1972
Appealed to Arbitration	March 23, 1972
Date of Award	May 2, 1972