

In the Matter of Arbitration between:

THE INLAND STEEL COMPANY

ARBITRATION AWARD NO. 408

- and -

Grievance No. 15-F-65

UNITED STEELWORKERS OF AMERICA

Appeal No. 219

Peter M. Kelliher  
Impartial Arbitrator

APPEARANCES:

For the Company:

W. H. Dillon, Asst. Superintendent, Labor Relations Dept.  
O. F. Walters, General Foreman, 44" Hot Strip Mill  
G. T. Heim, Asst. Superintendent, 44" Hot Strip Mill  
C. Mech, Supervisor, Wage and Salary Department  
H. S. Onoda, Labor Relations Representative, Labor  
Relations Department  
T. F. Tikalsky, Divisional Supervisor, Labor Relations  
Department

For the Union:

Cecil Clifton, International Representative  
D. Blankenship, Grievance Man  
Al Garza, Secretary of Grievance Committee  
Gailen Burson, Rougher Helper

STATEMENT

Pursuant to notice a hearing was held in Gary, Indiana, on  
March 16, 1961.

### THE ISSUE

The grievance reads:

"On August 1, 1959, a permanent vacancy occurred on the Ejector Operator occupation in the Hot Mill Sequence. The aggrieved employee, G. Burson, #9344, with higher sequential standing requested demotion to this vacancy for good cause. Instead, J. Hooten, #9488, was promoted to Ejector Operator.

On November 1, 1959, a permanent vacancy occurred on the Looper Operator occupation. Aggrieved was denied this promotion in the operating branch of the Mill Sequence. Instead J. Hooten was promoted.

Aggrieved employee, G. Burson, #9344, be granted proper position in Hot Mill Sequence and all moneys lost be paid him by the Company."

### DISCUSSION AND DECISION

The Grievant, Mr. G. Burson, is a Rougher Helper. The testimony of both the General Foreman, Mr. Walters, and the Grievant is that before the strike a conversation took place in which Mr. Burson requested that he be allowed to move to the Looper Job. It is apparent from the testimony of both witnesses that the General Foreman then advised the Grievant that he could not demote directly down from the Rolling Branch to the Looper Operator job in the Operating Branch of the sequence. It was suggested to the Grievant that his objective of moving to the Operating Branch would be accomplished if he could arrange with a Roll Hand to switch jobs. This would entail a loss of 23 cents per hour, but if he were in the Roll Hand job (bottom job in the

Rolling Branch), he then could move to the Looper Operator job (bottom job in the Operating Branch). The General Foreman testified that he had reason to believe at that time that at least one of the Roll Hands would be interested in making such a "switch", because of the substantial increase that would result to him if he were placed on the Rougher Helper job. The record is clear that the Grievant made no attempt, however, to enter into such an arrangement with any employee in the Roll Hand occupation.

The Grievant does not claim that he requested a demotion to the Ejector Piler Operator job prior to the strike (July 15, 1959). While the strike was in progress on August 1, 1959, as a result of one employee retiring, a permanent vacancy did occur on a Looper Operator job, which was filled by Mr. Martin, a Coil Ejector Piler Operator, and Mr. Hooten was then advanced to fill Mr. Martin's place. A further vacancy occurred in the Looper Operator job on November 1, 1959, and Mr. Hooten was then advanced from the Coil Ejector Piler Operator job to fill the vacancy. All of these moves were "made on paper", and effectuated after the employees returned from the strike on November 8, 1959.

Mr. Burson testified that when he made a request that he be permitted to fill the Coil Ejector Operator job and immediately

be transferred to the Looper Operator job on his first day of work after the strike, that he was told by the General Foreman that the Looper Operator job had already been filled. The Grievant did not know if he came to work earlier than Mr. Martin or Mr. Hooten.

In any event, it is necessary to reconstruct the situation as if these two vacancies that occurred on August 1 and November 1 had occurred when the plant was in full operation. The Company had a right to assume that employees on lower paying jobs would desire to promote to higher paying jobs. On the other hand, Mr. Burson at all times prior to the strike had rejected any solution which would result in his suffering any loss in his wage rate. Clearly, if the Grievant showed no interest in an arrangement which would eventually bring about his move to the Looper Operator job due to his unwillingness to accept a 23 cents per hour loss of earnings in going to the Roll Hand job, there is no possible basis for assuming that he would accept the even lower rated Coil Ejector Piler Operator job which would result in a \$.306 per hour loss. This is particularly true/upon reconstructing the events it is clear that Mr. Burson would have no way of knowing on August 1, 1959, that if he accepted the Coil Ejector Job that a permanent vacancy would then occur as early as November in the Looper Operator job.

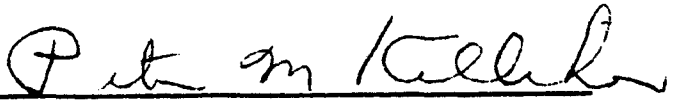
The Union, although asserting the proposition that there was a prevailing past practice that supported its position in this matter, failed to adduce clear evidence of any such practice. Certainly, if the Grievant himself believed that he had a right to move directly from the Rougher Helper job to the Looper job, he would not have made such a claim with reference to his right to go to the Coil Ejector job. Actually such a move is not simply a lateral move, but is, in effect, a demotion, plus a lateral move. The Company presented specific evidence analyzing the actual methods by which the eight permanent vacancies in the Looper job were filled between 1949 and 1959.

In none of these situations was an employee in the second job above the bottom job in one branch of the sequence permitted to move directly into the bottom job of another branch in this multiple sequence. The Company has permitted employees in the bottom job in any of the three branches to laterally move to the bottom job in another branch. The purpose behind this past practice is to bring about a situation where an employee on a bottom job will have an opportunity to develop experience and training through filling temporary vacancies on two or three higher rated jobs. Although it appears that Mr. Gretz did demote to Coil Strapper, there is no testimony that would afford a basis for the conclusion that he immediately moved to the

Looper Operator job without actually working on the Coil Strapper job. The testimony is too vague as to how he might have eventually gotten back to the Looper Operator job and his movements thereafter until he again worked in the Assistant Finisher job. With reference to Mr. Scalchez, the evidence would indicate that his movements were made entirely within the framework of the past practice urged by the Company in this case. The Arbitrator is unable to find any instance where a permanent vacancy on the Looper job was filled by an employee above the bottom job in either of the other two branches. The Grievant did not actually want a demotion within his branch. He clearly cannot accomplish by indirection what he would not be permitted to do directly under the long established practice. The request that he made in his first conversation with the General Foreman, i.e., that he be demoted within his branch of the sequence only if a vacancy concurrently existed in the Looper Operator job was clearly not a condition that he had a right to impose.

AWARD

The grievance is denied.

  
Peter M. Kelliher

Dated at Chicago, Illinois

this 8th day of April 1961.