

In the Matter of Arbitration Between:

INLAND STEEL COMPANY

- and -

UNITED STEELWORKERS OF AMERICA,
AFL-CIO, Local Union 1010

ARBITRATION AWARD NO. 501

Grievance No. 16-G-103

Appeal No. 532

PETER M. KELLIHER
Impartial Arbitrator

APPEARANCES:

For the Company:

Mr. W. A. Dillon, Assistant Superintendent, Labor Relations
Mr. R. L. Williams, General Mechanical Foreman, Cold Strip Dept.

For the Union:

Mr. Cecil Clifton, International Representative
Mr. James Baker, Assistant International Representative
Mr. Ted Rogus, Grievance Committeeman
Mr. Charles Huff, Witness
Mr. Raymond R. Cook, Witness
Mr. William E. Bennett, Secretary, Grievance Committee

STATEMENT

Pursuant to proper notice a hearing was held in MILLER, INDIANA,
on August 7, 1962.

THE ISSUE

The grievance reads:

"Aggrieved, Mechanical employees assigned to Coil Pickle allege management is in violation of Collective Bargaining Agreement when they have not assigned a 3rd Class Millwright to the Coil Pickler Unit as in the past. Pipe fitters are now forced to perform duties normally performed by 3rd Class millwright. Foremen are also performing work normally performed by 3rd class millwright."

The relief sought reads:

- "1. Foremen be instructed once again to stop practice of performing work customarily performed by bargaining unit employees.
2. Reassign a 3rd class millwright to coil pickler unit.

3. Relieve pipefitters of work normally performed by 3rd class millwright.
4. All moneys lost appropriate employees for above-mentioned allegation."

DISCUSSION AND DECISION

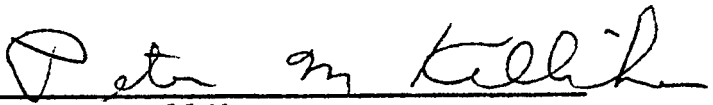
On Sunday, October 30, 1960, the No. 3 Pickle Line, which is a major producing unit, went down for major capital improvements involving changes to the entry end equipment. It is evident that the primary function of the members of this crew is of a service nature in order to minimize mechanical delays. The record does show that during this period of November and December of 1960 when only two lines were operating that the delays were well below 1% in proportion to operating time. (Tr. 15 and 16). This represented a considerable reduction in delay time as compared to periods of time particularly for the year 1959 when all three lines were operating. Because only a limited amount of time is spent in performing work during these delays, employees are expected to perform secondary tasks such as building or repairing spares. It is noted that the actual delay time for November amounted to approximately 5-3/4 hours for the full month on both lines. It is evident that the employees had more than adequate time to perform other work. The number of coils per turn with only two lines running were reduced by approximately one-third. The uncontradicted testimony is that the Millwrights rarely work a full eight-hour turn on line repairs. It sometimes happens that there are no mechanical repairs during an operating turn. It must be anticipated that Millwrights will be assigned to other related work particularly when the record shows that in this period there was a substantial decline in mechanical delays during November and December.

It is expected that there will be some limited instances where a Foreman will assist. Certainly where vision was blocked as a result of steam and a safety hazard might have existed, a Foreman properly gave signals. The important consideration in this case, however, is that the Union did not produce sufficient evidence to show that the work performed by the Foreman or the Pipe Fitter was work that could not have been performed by the First and Second Class Millwrights without their working beyond normal and reasonable endurance. Management's decision to not schedule a Third Class Millwright in this period certainly cannot be considered as arbitrary or capricious. It did not place an undue burden on the First and Second Class Millwrights and no such claim has been made by the Union.

A review of the testimony does indicate, however, that the Foreman has been "too ready to assist" bargaining unit employees. While the Arbitrator cannot find that there was an inadequate force, there is sufficient basis in this record to approve the Union's request that "Foremen be instructed once again to stop the practice of performing work customarily performed by bargaining unit employees".

AWARD

As per the above findings.


Peter M. Kelliher

Dated at Chicago, Illinois

this 18 day of October 1962.