

In the Matter of Arbitration Between:

INLAND STEEL COMPANY
- and -
UNITED STEELWORKERS OF AMERICA,
AFL-CIO, Local Union 1010

ARBITRATION AWARD NO. 508

Grievance No. 1-G-102
Appeal No. 573

PETER M. KELLIHER
Impartial Arbitrator

APPEARANCES:

For the Company:

Mr. William A. Dillon, Assistant Superintendent, Labor Relations
Mr. Frank Kik, General Foreman, Blast Furnace Department
Mr. M. Szala, Foreman, Blast Furnace Department
Mr. G. Demko, Foreman, Blast Furnace Department
Mr. R. H. Ayres, Assistant Superintendent, Labor Relations Dept.
Mr. G. Applegate, Job Analyst, Wage and Salary
Mr. T. Peters, Division Supervisor, Labor Relations Department

For the Union:

Mr. Cecil Clifton, International Representative
Mr. Alexander Bailey, Griever
Mr. George Dawkins, Assistant Griever
Mr. Al Garza, Chairman of Grievance Committee

STATEMENT

Pursuant to proper notice a hearing was held in MILLER, INDIANA,
on September 25, 1962.

THE ISSUE

The grievance reads:

"The employees now working the occupation of Coke
Conveyor Cleaner, Index No. 70-0748 - 80-0314,
contend that assigning them the job of assisting the
Stockhouse Helper in cleaning up the Stockhouse and
removal of excessive spillage from the tracks and
pits is a violation of the present Collective
Bargaining Agreement."

The relief sought reads:

"That this practice cease or they be reclassified and given a new and revised description."

DISCUSSION AND DECISION

The job description for Coke Conveyor Cleaner states the primary function as:

"Inspects and cleans coke bin shaker screens and conveyors for screenings from furnace coke bins to return bins."
(Co. X C).

The primary function for Stock House Helper reads:

"Cleans material spillage on tracks and skip pits and performs general clean-up work in Stockhouse."

The Arbitrator cannot find that the work of cleaning "spillage on tracks" is a regular duty in the job description of the Coke Conveyor Cleaner. His work of cleaning spillage relates to the particular equipment assigned to him. The Pitman job was obsolete as of January 24, 1961, and could not be considered in effect with relation to the incident covered by this grievance, i.e., February 5, 1961. The Arbitrator must find that the cleaning tasks here involved were "distinctly characteristic" of the Stock House Helper position. It is not necessary in these brief temporary types of situations for the employee to perform the full range of the Stock House Helper job in order to be entitled to the rate of said job.

The Company concedes that during the processing of this grievance the Union Representative did allege that the Coke Conveyor Cleaner (Job Class 4) should have been paid at the higher rate of the Stock House Helper (Job Class 6) (Co. Brief p. 13). In the Third Step Minutes it is evident that the Union made known its position that the Coke Conveyor Cleaner was "entitled to the rate of the Stock House Helper when utilized to perform such clean-up tasks". (See Company's Third Step Answer dated April 17, 1961). The Union at the hearing, likewise, contended "that the Coke Conveyor Cleaner occupation is entitled to the rate of the Stock House Helper if he is assigned to perform such tasks". (Union Brief p. 2). Considering the clear statement of the Union's position as made in the Third Step Meeting and the full opportunity accorded to the Company to respond to this additional charge, no formal amendment of the grievance was necessary. No evidence in any event, was submitted that it was a past practice to formally amend a grievance under such circumstances. The Arbitrator must find that the Coke Conveyor Cleaners are entitled to the higher rate of Stock House Helper when performing work of cleaning track spillage. Because

the Coke Conveyor Cleaner ordinarily deals with lighter material and this work is not referred to as a regular duty in the job description of Coke Conveyor Cleaner, it cannot be said to be contemplated in the job evaluation.

The evidence does indicate that the spillage on February 5, 1961, involved the entire charge of approximately ten tons. There was a danger of derailment of the charging car. If it were not cleared immediately the furnace could not continue to operate. The evidence is that Foremen have recorded as emergencies all spillages over five tons in the Company Log Book. This must be considered a major spillage and to involve an emergency. In Award No. 470 this Arbitrator stated:

"The Foreman indicated that the reason that he requested these men to take on this additional regular duty was because they had time to perform this work while they were waiting. The job classification does contemplate that they do have a certain amount of 'waiting' time.

The work here involved cannot be considered an emergency type of work like a 'spill' where employees in numerous classifications are properly called upon to help."

By the above-quoted language the Arbitrator recognized that it was a practice that employees in numerous classifications were called upon to help in an emergency-type situation "like a spill". The Company states that in these emergencies Foremen do "pitch in to help" and in its brief, the Company states that Mechanical Personnel are required to assist. The testimony would indicate that there are only a few major spills during the course of a year. Unlike the situation in Award No. 470, this cannot be found to be a "regular duty", nor one that occurs "frequently" or "routinely". Certainly in the case of routine spillages, i.e., "under five ton", when Larrymen and Stock House Helpers can be assigned to perform the work of clearing the track sufficiently to allow cars to pass, Coke Conveyor Cleaners should not be assigned to do this work. One of the Foremen testified that he has one Laborer on each turn to cover temporary vacancies and he uses him to help. He also testified that he could, if necessary, call two Laborers from another building. If a Coke Conveyor Cleaner is to be assigned in a major emergency spill, the Company should call Laborers if necessary from another building so that the Coke Conveyor Cleaner can be relieved as soon as possible. The evidence, however, does not show that the Coke Conveyor Cleaners are required to do this work to an extent that would require a revision of the job description.

AWARD

As per the above-findings. Any Coke Conveyor Cleaner who participated in this work on February 5, 1961 on the 3 to 11 turn

shall be paid the difference between his rate and the higher Stock House Helper rate.

Peter M. Kelliher
Peter M. Kelliher

Dated at Chicago, Illinois

this 18 day of October 1962.