

INLAND STEEL COMPANY

and

UNITED STEELWORKERS OF AMERICA  
Local Union 1010

Grievance No. 22-HA-70  
Appeal No. 1165  
Award No. 576

Opinion and Award

#### Appearances

##### For the Company:

Robert H. Ayres, Assistant Superintendent, Labor Relations  
T. C. Granack, Labor Relations Representative  
T. K. Tikalsky, Assistant Superintendent, Labor Relations  
A. M. Kroner, Superintendent, No. 3 Open Hearth  
A. A. Jones, Labor Relations Representative  
L. Mitchell, Sr. Representative, Labor Relations  
H. Powell, Melter Foreman, No. 3 Open Hearth  
E. Penny, General Foreman, No. 3 Open Hearth

##### For the Union:

Peter Calacci, International Representative  
John Sargent, President  
William E. Bennett, Chairman, Grievance Committee  
Joseph Gyurko, Grievance Committeeman  
Stanley Nonucki, Assistant Grievance Committeeman

This is a disciplinary dispute. The grievant, Gumercindo de Jesus, complains that a three-day suspension imposed on him by reason of what occurred on August 22, 1964 violated the provisions of five sections of the collective bargaining agreement (Article IV, Section 1; Article VII, Section 2; Article XI, Section 1; and Article XIV, Sections 2 and 5). Essentially, however, this dispute questions whether Management had cause for disciplining grievant within the contemplation of Article IV, Section 1.

Grievant is a Third Helper of some 10 years' experience. On August 22, 1964 he was on the 11:15 to 7:15 a.m. turn. No. 38 furnace had been tapped and was ready to be repaired and have the bottom fixed. Dolomite had accumulated on the rails, and it was necessary to clean this away in order to proceed with the remaining work to get the furnace back into operation. The cleaning of the rails required about 10 minutes, and is normally the work of the Third Helper. He may be directed specifically to do so by the Melter Foreman, the First Helper, or sometimes the Second Helper, but usually an experienced Third Helper at the location, not assigned to other tasks, knows without instruction that he should help on this cleaning job, since it must be quickly performed in order that the furnace be reactivated.

At approximately 4:30 a.m. grievant sat down to eat his lunch. The Melter Foreman issued some order to him about which grievant apparently is uncertain. In the grievance, which was filed on September 16, 1964, it is stated that the Foreman would not give him time to eat his lunch and told him to get up and go to work or he would be sent home. In subsequent steps, however, and at the arbitration hearing, grievant was certain that the Foreman did not tell him

to go to work, nor did he direct him to any particular work, but simply ordered him to get up or go home. The Foreman was completely certain that he directed grievant three times to work with another Third Helper in cleaning the rails, which could have been completed within 10 minutes, but that grievant insisted on eating first, and that it was for this refusal to follow instructions that grievant was sent home and subsequently given the three-day suspension which brought on this grievance.

A number of matters not relevant to the dispute were aired at the hearing. There was, for example, discussion as to the adequacy of opportunities to eat in No. 3 Open Hearth Department, yet it was conceded that grievant has never complained either to his supervisors or his grievance committeeman because of this, nor did he on the night in question. There was also some discussion about some other Third Helper who was apparently idle at another furnace some 300 feet away who might have been told to do this job while grievant ate, but grievant did not raise this until some days after the event.

On June 29, 1964 he was given a one-day discipline for leaving his job without waiting for relief, and on or about August 1, 1964 was orally reprimanded for some act of insubordination. His attitude on these two occasions, as well as at the time of the discussion of the events of August 22, was that his supervisors were picking on him or discriminating against him. At our hearing he displayed a similar attitude. He is sensitive about his ability in English and even about the food he eats. He is, on the other hand, proud of his knowledge of his job, insisting that he knows it well and does not need to be told what to do.

There is a duty on supervisors to make clear the directions they desire to give to workers, and where there are language difficulties this requires more care on their part than may be necessary in other cases.

This case is one involving the credibility of people. With stories so flatly contradictory, one must try to determine which version is the more plausible. If it were clear that the Foreman bore ill will toward this employee for some reason, one might accept the grievant's statement that he was told to get up or go home, when he started to eat, without being told to perform any particular work. But this Foreman joined in only one criticism of grievant in 1964, and none for seven years prior thereto, and there is nothing in the record to suggest that this 1964 reprimand was prompted by any personal animosity or that it was not justified. It is still evident that grievant has told inconsistent stories during the processing of this grievance, first that he was told to get up and go to work and later that he was not told to go to work but merely to get up or go home. If the latter version is true, then grievant's failure to ask the Foreman what he wanted grievant to do is hard to understand or accept.

While a military establishment is not being operated at the No. 3 Open Hearth, no one questions Management's basic right to manage and give normal directions in accordance with custom and as stipulated in Article IV of the Agreement. This does not relieve supervision, as stated, of the obligation to issue clear orders, and, one must add, orders that are reasonable and proper under the circumstances. Employees may not insist on substituting their own judgment in such circumstances, unless there are valid and compelling reasons for disputing Management's orders, which apparently were not present in this instance.

Management had cause for disciplining this grievant. Whether three days represents too severe a penalty is difficult to say. On the whole, considering

his behavior on the job since April, 1964, even offsetting his 10 years as a Third Helper, one cannot say on the facts, that three days represents a penalty so extreme as to merit modification by an arbitrator.

AWARD

This grievance is denied.

Dated: April 19, 1965

/s/ David L. Cole

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David L. Cole  
Permanent Arbitrator