

INLAND STEEL COMPANY

and

UNITED STEELWORKERS OF AMERICA  
Local Union 1010

Grievance No. 24-HA-94

Appeal No. 1169

Award No. 580

Opinion and Award

Appearances

For the Company:

Robert H. Ayres, Assistant Superintendent, Labor Relations

A. T. Anderson, Divisional Supervisor, Labor Relations

J. Federoff, Senior Representative, Labor Relations

M. V. Schills, Assistant Superintendent, Stores and Refractories Department

B. Burt, Labor Foreman, 80" Hot Strip

M. C. Lipton, Labor and Salvage Foreman, #3 Cold Strip Department

D. P. Clarke, Jr., General Foreman, Field Stores

For the Union:

Peter Calacci, International Representative

William E. Bennett, Chairman, Grievance Committee

Charles Jenkins, Grievance Committeeman

Jengis Bey Yoldash, Grievant

This grievance challenges the Company's action which led to the discharge of grievant, a Field Stores Attendant in No. 3 Cold Strip, because of certain events which occurred on February 9, 1965. About a half hour after he was relieved he was engaged in conversation with a group of employees at a point adjacent to the labor office, some 1250 feet distant from the field storeroom in which he worked. He had driven there on a Cushman power scooter, which was standing nearby with its motor running and its lights on. A No. 3 Cold Strip Labor Leader, L. Ryan, approaching the labor office, turned off the motor and the lights, and walked into the office. Grievant followed him remonstrating strongly that his scooter should not have been touched by the Labor Leader. There followed then statements and a series of actions which are the principal basis for the Company's decision to discharge him. These will be detailed shortly.

Originally, five grounds for the disciplinary action were cited by the Company:

- (1) improper relief;
- (2) unauthorized use of mobile equipment (Cushman scooter);
- (3) loitering in unauthorized area;
- (4) fighting; and
- (5) use of profane and threatening language toward another employee.

The first ground was dropped in the Fourth Step after another employee, J. Puchek, appeared and explained that he had relieved grievant under the buddy system at 6:20 a.m. The other four grounds in combination are referred to by the Company as the cause for discharging this grievant, in keeping with its rights as set forth in Article IV of the collective bargaining agreement between the parties.

While disputes over the facts are not uncommon in disciplinary grievances, in this case there is a most extreme inability to find agreement on any fact. The grievant denies everything in every detail. He says he was directed by a Labor Leader to use the scooter to transport a laborer to the labor office. He claims that he had dropped this laborer off and was about to return to his own

XERO  
COPY

XERO  
COPY

XERO  
COPY

area when Ryan intervened and started the trouble. He flatly denies that he entered the labor office or that he was in a fight or that he struck Ryan, or that he used any profane or threatening language. He asserts instead that Ryan used profanity, whereupon grievant merely said in effect: "Watch your language; I don't want to fight in the plant; if you want to fight I'll meet you outside." Although three witnesses testified that after he drove the scooter to the field storeroom he returned on foot to the labor office and renewed his verbal attack on Ryan, grievant denies that he returned to the office.

It is possible, of course, for one to be "framed." Here, however, supervisors and several bargaining unit people join in testifying and describing incidents which grievant simply denies. Even where it was possible for him to have fellow employees support his version of the facts he did not produce any such witnesses. He claims he dropped a laborer named Saunders off near the labor office, because he had been instructed by a Labor Leader named Hall, to do so. Hall is a member of the bargaining unit. In the discussions during the steps of the grievance procedure it was made clear that employees other than qualified drivers are forbidden by safety rules to drive the scooter. Yet neither Hall nor Saunders was produced as a witness to support grievant's story. Nor were any of the employees called who grievant says were at the place where he discharged Saunders.

Grievant ascribed his troubles to some differences he has had with another Labor Leader who was present in the labor office while he was having his difficulty with Ryan. He claims this man had improperly been inside the field storeroom in which grievant works while no one was in attendance, that he had reported this to his foreman, and that a personal feud resulted. The foreman denied knowledge of any such irregularity; grievant himself acknowledged he knew no reason for unfriendliness on the part of any of the other supervisors or fellow employees who appeared as witnesses, and yet he did not hesitate to deny categorically practically everything they testified to.

In the grievance procedure the Company dropped its charge that grievant had left his post without being properly relieved, because another employee, Puchek, appeared and stated he had relieved grievant at 6:20 a.m. Grievant thus became aware of the fact that other charges could have been cleared up through similar testimony. Yet, as stated, even though witnesses were available, none appeared to support his story.

The fight was not too serious. Apparently, only one slap was landed and some scuffling occurred, accompanied by profane and threatening language. In itself one might have been tempted to look for extenuation, as indeed the two Labor Leaders considered doing. They dropped this approach when grievant strode back into the office and renewed his threats some minutes later. These facts added to his violation of known safety rules in driving the power scooter, loitering in an unauthorized area, and then attempting to excuse himself by concocting a story about driving another laborer to the area under instructions of a Labor Leader, on the theory that it would not have been safe for this man to walk the distance, seriously hurt grievant's cause by making his testimony incredible. The liberties he obviously took with the facts at the hearing tend to convince one that the charges against him were true. In the aggregate they constitute cause for the discharge as contemplated in Article IV of the collective bargaining agreement.

AWARD

This grievance is denied.

/s/ David L. Cole

Dated: October 1, 1965

David L. Cole, Permanent Arbitrator

XERO  
COPY

XERO  
COPY

XERO  
COPY