

INLAND STEEL COMPANY

and

UNITED STEELWORKERS OF AMERICA  
Local Union 1010

Grievance No. 8-J-45  
Appeal No. 1179  
Award No. 587

Opinion and Award

Appearances:

For the Company:

Robert H. Ayres, Superintendent, Labor Relations  
L. R. Mitchell, Assistant Superintendent, Labor Relations  
G. H. Applegate, Jr., Labor Relations Representative  
James T. Hewitt, Arbitration Coordinator  
G. Kovan, Assistant General Foreman, No. 2 and No. 3  
Finishing, Plant No. 2 Mills  
R. Jansen, Foreman, No. 3 Finishing, Plant No. 2 Mills

For the Union:

Peter Calacci, International Staff Representative  
James Balanoff, Chairman, Grievance Committee  
C. Banks, Grievance Committeeman  
E. Foree, Grievant  
Howard Williams, Witness

In this grievance the Union questions whether the Company had cause for imposing a disciplinary suspension of one month on the grievant, Ernest Foree.

This penalty was imposed in part because he used abusive language to his immediate supervisor, the turn foreman, and primarily because he threatened this foreman. The incident leading to this suspension occurred on October 18, 1966. Grievant was operating a crane in the 28" Mill Finishing Department when the hoist was run through the limit switch and the cable broke. Some hours later the foreman, Robert Jansen, asked him how this had happened, and the parties agree the grievant replied that he didn't know but that he did know the foreman was out to get him fired. The foreman insists he used extremely profane language, told the foreman to get off his back and threatened the foreman that he would "get him." Foree denies both the profanity and the threatening.

Some six months before, grievant had been disciplined by a three-day suspension for threatening two fellow-employees. The same foreman was active

in that matter, in which a stern warning letter was given the grievant. A grievance questioning the Company's cause for taking the action it did was still pending on October 18, 1966 when the crane incident occurred.

The disciplinary step first taken by the Company was to suspend grievant for five days at the end of which period he was told he would be subject to discharge. At his request a hearing was conducted and the Company decided, pursuant to Article 8, Section 1 (paragraph 8.2), that although no circumstances were disclosed that would alter department supervision's decision, in consideration of his length of service he would be continued in the Company's employ but would be treated as on a disciplinary layoff for approximately one month. He was again sternly warned that a repetition would result in discharge as he had been on March 2, 1966.

To abuse and threaten a supervisor has repeatedly been held to justify severe penalties including discharge. One wonders why the Company elected not to impose this penalty on this grievant, considering the formal warning given him only six months before for allegedly a similar kind of conduct.

Foree denies he made any threat to his foreman. I am of the opinion that he probably did not intend to threaten him, and even more definitely that the foreman did not consider the abusiveness as a seriously intended threat. It is my impression that this is why the Company decided to limit its penalty on grievant to a disciplinary layoff rather than to discharge him.

Grievant's testimony at the hearing was not fully convincing. He seemed to have picked up a last minute idea that if he could tie this difference with his foreman into the grievance over the March incident he could thereby show some animus on the part of the foreman. His attempt to do so did not stand up factually, - his own witnesses seemed to be surprised.

Moreover, grievant was apparently of the opinion on October 18 that Foreman Jansen was trying to harm him because he misunderstood an inquiry the foreman had made of a crane machinist as to whether one could tell whether the operator of the crane had intentionally or carelessly caused the cable to break. Grievant thought the foreman was attempting in a sense to frame him, whereas it is clear the question addressed to the machinist was a perfectly normal one. In this frame of mind, grievant could easily, and I believe he did, become abusive to his foreman as charged and that he may even have uttered some word that could literally be construed as sounding like a threat without either intending it or having it taken as a threat.

The Company, under the circumstances, had cause for disciplining this grievant, but since the primary reason assigned for the disciplinary layoff of one month was the threat he made it is my opinion that this was too severe.

A disciplinary layoff of two working weeks would be all that would be supportable in these circumstances.

AWARD

The Company had cause for imposing a disciplinary layoff penalty on this grievant, but since the so-called threat was apparently neither seriously made nor seriously taken this layoff should be reduced to ten working days and the grievant made whole for the loss of pay beyond this.

Dated: September 6, 1967

/s/ David L. Cole

David L. Cole, Permanent Arbitrator