

In the matter of Arbitration

Between)
Inland Steel Company) Grievance No. 21-K-102
and) Appeal No. 1195
United Steelworkers of America) Award No. 601
Local 1010)

Appearances:

For the Company

T. J. Peters, Arbitration Coordinator, Labor Relations
R. H. Ayres, Assistant Director, Industrial Relations
J. L. Federoff, Assistant Superintendent, Labor Relations
T. L. Kinach, Senior Labor Relations Representative
G. H. Applegate, Jr., Senior Labor Relations Representative
W. P. Boehler, Labor Relations Representative
C. F. Schrader, Manager, Quality Control
K. R. Mattson, Superintendent, Metallurgical Department
E. Fabrici, Senior Metallurgist, Metallurgical Department
G. Henger, General Supervising Metallurgist, Metallurgical Department
A. R. Swatek, Superintendent, Product Improvement

For the Union

Theodore J. Rogus, Staff Representative
Jesse Arrendondo, President, Local 1010
Alexander W. Bailey, Chairman, Grievance Committee
Gavino Galvan, Secretary, Grievance Committee
Don Lutes, Aggrieved and Grievance Committeeman

The grievant, Donald L. Lutes, protests the Company's action in disciplining him for insubordination on May 23, 1971 as unfair and unjust. He was given a loss of one working turn and a written warning was placed in his personnel file. The grievant requests that the statement be removed from his file and that he be made whole for his loss of pay.

Grievant and other employees in the Quality Control Center, including salaried employees, were directed to attend a meeting before starting work at the beginning of the second turn. Similar meetings were being conducted throughout the plant in connection with the presentation and explanation of a quality improvement program called TOPS. Many such meetings had already taken place in other departments or on other shifts.

The Company maintains that he misbehaved at the meeting, and on June 4, 1971 gave him a discipline statement saying, in part:

'You disrupted the program, were insubordinate, and induced other employees to follow you when you left the program before its conclusion.'

He was given a suspension of one turn and a warning that: "Any further similar type conduct will be cause for more severe disciplinary action."

After the direct presentation by the Superintendent of the Product Improvement Department the floor was opened for questions. Grievant rose and spoke at some length about the failure of the Company to complete and install an incentive plan in this department, insisting that certain slides that had been shown in connection with the TOPS program should be turned over to the labor relations people for use of the joint incentive committee. He was told he was out of order, that this subject was not for consideration at this meeting. When he persisted, the Quality Control Superintendent said he would be willing to discuss the incentive matter in his office, and he left thinking grievant would follow him. It is not clear whether grievant understood that he was expected to have such a discussion at that moment, but in any event he did not follow the supervisor. When grievant persisted in talking about incentives another supervisor asked him to desist and also to leave the room.

The Company contends that as grievant left he proclaimed: "Come on, let's go" and five bargaining unit employees followed him out. The employees all denied this, saying that one of them said "Let's go," and not the grievant. In fact they apparently convinced their superintendent subsequently in discussions in his office that they left of their own accord, and not because of any suggestions from grievant. It was because they convinced him of this that he issued warnings (VODG's) to them which were placed in their files criticizing their conduct during the TOPS meeting.

The TOPS meeting continued for a short time after grievant and these five left. The other 60 or so employees remained. As pre-arranged, there was then a drawing for door prizes. Management's purpose was to have a congenial atmosphere at these meetings, serving coffee and rolls, and paying the employees for the time spent.

Grievant is the grievance committeeman in this department, and he was considerably exercised over the delay in getting the Company to install the incentive plan in this department. He argued even at our hearing that he thought the quality and productivity aspects of the TOPS program were closely related to the incentive matter.

Nevertheless, he was troubled by what he had done at the meeting. The next day he telephoned three supervisors who had been at the meeting and apologized for disturbing the meeting. The Superintendent of Quality Control testified that he accepted this apology but that disciplinary action had already been instituted, although no notice thereof was given grievant until several days later, on June 4. Why the proposed action could not be modified between May 29 and June 4 was not explained.

It is perhaps idle to speculate as to how this situation should have been handled. The TOPS program has as one of its objectives the development of employee morale and group cooperation. Those conducting the meeting might have made it clear in simple terms that they appreciated the inter-relationship with the incentive matter and would ask the management representatives on the incentive committee whether they thought use should be made of the TOPS slides, thus avoiding the confrontation that followed.

On the other hand, this was a Company meeting which the employees were required to attend, which they were doing on Company time and at Company expense. The employees therefore had an obligation not to disrupt the meeting. While this was materially different from normal work, the conduct of the meeting was the Company's.

There is no doubt that what grievant did served to disturb the meeting. This was after the direct presentation, a description of the program, had been completed. Although grievant thought he was entitled in the discussion period to bring up the incentive matter, he had the good judgment upon reflection to realize he had interfered with the procedure the Company desired to follow, and he then telephoned three supervisors who had been involved and apologized for what he had done.

This is distinctly to his credit, and perhaps the acceptance of these apologies and an informal conversation following them would have accomplished all that management could desire in healing the breach and in promoting good will. They decided, however, to discipline grievant.

There was cause for this discipline. But in view of all the circumstances, including the three apologies he offered, there was no reasonable basis for suspending him from one working turn.

AWARD

This grievance is denied, except that grievant should not have been penalized by the loss of one working turn.

Dated: June 8, 1972



David L. Cole, Permanent Arbitrator

The chronology of this grievance is as follows:

Oral discussion (foreman)	7-1-71
Oral discussion (superintendent)	7-6-71
Grievance Filed	7-26-71
Step 2A Reply	8-5-71
Appealed Step 3	8-10-71
Step 3 Hearing	11-24-71
Step 3 Minutes	1-28-72
Appealed Step 4	2-1-72
Step 4 Hearing	2-10-72
Step 4 Minutes	2-24-72
Appealed to Arbitration	3-1-72
Arbitration Hearing	5-23-72