

In the Matter of Arbitration

Between)

Inland Steel Company)

and)

United Steelworkers of)
America, Local 1010)

Grievance No. 20-M-23

Appeal No. 1224

Award No. 628

Opinion and Award

Appearances:

For the Company

W. P. Boehler, Senior Labor Relations Representative
T. J. Peters, Arbitration Coordinator, Labor Relations
R. E. Ayres, Manager, Labor Relations, Industrial Relations
L. R. Barkley, Administrative Assistant, Labor Relations
D. F. Kilburg, Labor Relations Representative
J. J. Matusek, Superintendent, Central Mechanical Maintenance
A. A. Bracco, Assistant Superintendent, Central Mechanical
Maintenance
J. Horgash, General Foreman, Rigger Shop, Central Mechanical
Maintenance
G. Shore, Assistant General Foreman, Rigger Shop, Central
Mechanical Maintenance

For the Union

Theodore J. Rogus, Staff Representative
William E. Bennett, Chairman, Grievance Committee
Gavino Galvan, Secretary, Grievance Committee
George Chigas, Griever
George Popovich, Grievant
Michael Nezo, Assistant Griever

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The grievant, George Popovich, was suspended on August 13, 1975 because of his record of absenteeism and was discharged on August 21, 1975. He maintains that these actions were "unjust and unwarranted in light of the circumstances."

Grievant was hired October 8, 1958 and was placed in the Rigger Shop of the Mechanical Department soon after. Because of excessive

absenteeism he was suspended on May 15, 1969 preliminary to discharge but a plea was made on his behalf for one final chance. The Superintendent of the Mechanical Department granted this plea but in return required Grievant to agree to five written conditions by which he pledged to maintain good attendance, avoid tardiness, and observe strictly the rules concerning timely reporting off notices, foreman's permission in advance for absences for personal reasons, and medical confirmation of illness when there are such absences. The problem continued, however. He was subjected to further discipline, and warning, and his supervisors repeatedly spoke to him. He was offered the opportunity to enter a program dealing with alcoholism, which he declined, but he was kept on his job, Management acknowledging that he is a capable rigger. In 1971 he was absent 29 times, in 1972, 23 times, and in 1973, 19 times.

In 1974 and 1975 the number of absences increased greatly, but in substantial part this was due to a knee injury he suffered in the plant in August, 1974 and to some other illnesses. As best reconstructed from the evidence presented, he was absent 81 turns in 1974, 36 of these being for insurance covered illness, and in 1975, up to August 21, he was off 67 turns, 46 of these being for insurance covered illness. In addition some other absences were allegedly because of sickness.

On August 30, 1973 he was reprimanded for absenteeism; on March 4, 1974 he was for the same reason given a one-turn suspension, on June 5, 1975 three turns; and on July 7, 1975 five turns. None of these resulted in grievances which were processed by Grievant. On July 22, 1975 at a meeting in the Assistant Superintendent's office Grievant's attendance record was again reviewed and his lack of improvement was noted and criticized. He was given a warning of severe discipline prior to discharge for further absences with the stipulation that any absence by reason of illness would require medical confirmation, and any for personal reasons would require advance permission from his foreman. Apparently, Grievant took no exception to these conditions.

The Company noted that in 1975 Grievant seemed to take off an undue number of Sunday turns. There were nine absences from scheduled Sunday turns, and four of these were without advance notice to the Company. Bearing in mind that his 1975 period of employment ended August 13, 1975, that he was absent for medical reasons 46 turns, and that he was not scheduled every Sunday, his pattern of Sunday absences seems clear.

The Union acknowledges that in 1969 it participated in persuading the Company to give Grievant a last chance to improve his attendance and declares that if he had continued to do what prompted the Company's proposed disciplinary action at that time the Union would not have protested his discharge. It maintains, however, that his attendance record must have been satisfactory until his knee injury in 1974, and that the increase in absences to 81 in 1974 and 67 in 1975 was because of this injury and that his absenteeism in these two years was of a different order from that prior to the last chance arrangement in June, 1969.

The Union also pointed out that because of his knee injury Grievant has been on limited or modified work, doing mainly splicing and not the full range of rigger duties, and that consequently his absence does not have too serious an effect on the Company's needs. It also called attention to Grievant's service of some 17 years and to the fact that supervision does not question his competency as a rigger.

It should hardly be necessary to restate the Company's right to expect regular and timely attendance of its employees, with due regard by them of the Company's obligation to schedule and regulate operations as an essential part of its management functions. No employee may assume the right to decide that he is free to be absent or tardy because he is a top craftsman or, on the other hand, because the work he is doing is of little importance. These observations are self-evident, and no further elaboration is needed.

Beyond this, while length of service, particularly if it has been satisfactory service, is a factor in the Company's determination of the course to be followed because of indifference to, or defiance of, accepted and established Company rules and requirements, it does not serve as an excuse for such indifference or defiance. In such circumstances the Company unquestionably has cause for disciplining the employee, and at best such service becomes a factor in evaluating the kind of discipline to impose. Repetition of such infractions, obstinately and persistently, however, is also a factor in deciding the appropriate discipline. In this very case the Union representatives acknowledged that some discipline was warranted, but objected to discharge as too severe a penalty.

Here unusual patience was exercised by Management. In the period following the June, 1969 last chance, his services as rigger were greatly needed. He worked long hours, and evidently the Company chose to overlook his irregular attendance, although he was frequently cautioned by his supervisors, who on one occasion in July, 1970 suspended him for five days because of this.

Starting August, 1973 he was reprimanded, warned, or disciplined five times before his final suspension and discharge in August, 1975, and apparently he accepted these Management actions. At least twice these were prior to his knee injury, so that it is not accurate to say that this injury lent a new aspect to his behavior.

His conduct after the meeting of July 22, 1975 in which his attendance record was again reviewed sheds a good deal of light on his attitude and his ability or willingness to improve. In the presence of his Grievance Committeeman he was told further incidents would result in discharge, that any claim of illness must be verified by medical confirmation, and any absence for personal reasons must be with permission in advance from his foreman. In part, this had been caused by Grievant's claim that he had been absent the entire week of July 6, 1975 because he

was under medical care, although his personal physician stated that he saw him only on July 15. Moreover, after the warning of July 22 and Grievant's apparent acquiescence in the conditions mentioned, he was absent on two of the following three Sunday turns, and on one of these he did not report off in advance.

If the Company were disciplining Grievant for absences caused by his injury or other actual illness, there would surely be a lack of good cause. But his record includes far too many absences that were not for such reasons, both before and after his injury. There is no indication that he pays attention to Company warnings or efforts to help him, or that he has any serious intention of changing his habits or improving his attendance. On balance, therefore, the mitigating factors are of less weight than they might be in other circumstances.

AWARD

This grievance is denied.

Dated: January 26, 1976



David L. Cole, Permanent Arbitrator

The chronology of this grievance is as follows:

Grievance filed (Step 3)	August 22, 1975
Step 3 Hearing	August 28, 1975
Step 3 Minutes	September 10, 1975
Step 4 Appeal	September 16, 1975
Step 4 Hearing	September 19, 1975 September 25, 1975 October 9, 1975
Step 4 Minutes	October 31, 1975
Appeal to Arbitration	November 14, 1975
Arbitration Hearing	January 7, 1976
Award	January 26, 1976