

In the Matter of the Arbitration Between

INLAND STEEL COMPANY

AND

UNITED STEELWORKERS OF AMERICA  
AND ITS LOCAL UNION 1010

Grievance No. 27-M-52  
(Adolfo Velez, Grievant)  
Award No. 636

### INTRODUCTION

An arbitration hearing between the parties was held in Harvey, Illinois, on November 16, 1977. Both parties submitted pre-hearing briefs.

### APPEARANCES

#### For the Company:

- Mr. W. P. Boehler, Arbitration Coordinator, Labor Relations
- Mr. D. F. Kilburg, Senior Labor Relations Representative
- Mr. H. C. Easter, Superintendent, 12" Bar Mill
- Mr. D. J. Wenzel, Assistant Director, Safety and Plant Protection
- Mr. S. N. Ranich, Assistant Director, Plant Protection
- Mr. T. J. Peters, Assistant Superintendent, Labor Relations
- Mr. R. H. Ayres, Manager, Labor Relations
- Mr. T. L. Kinach, Senior Labor Relations Representative
- Mr. M. Pratt, Captain, Investigation, Plant Protection

For the Union:

Mr. Theodore J. Rogus, Staff Representative  
Mr. Jim Balanoff, District Director  
Mr. William Gailes, Vice Chairman, Grievance Committee  
Mr. Buddy Hill, Griever  
Mr. Adolfo Velez, Grievent

Arbitrator:

Mr. Bert L. Luskin

BACKGROUND

Adolfo Velez was employed by the Company on June 2, 1953. He transferred to the 12 inch mill in 1969 and worked in that area until he was suspended and ultimately terminated from employment on March 4, 1977, as the result of an incident which had occurred on February 20, 1977, at approximately 11:20 P.M.

Velez was observed as he entered the plant at approximately 11:20 P.M. on February 20, 1977, when he passed the plant protection officer who was on duty in the clock house. The plant protection officer noted that Velez' eyes were bloodshot and he detected the odor of alcohol on Velez' breath. Velez was informed that he would be required to submit to a breathalyzer test at the clinic, and Velez refused to submit to the test. As Velez was placing his gate pass in his billfold, the plant protection officer

noted that Velez was carrying what appeared to be a pistol in the waistband of his pants. Velez was disarmed and the weapon was identified as a fully loaded Johnson's Arms and Cycle Works, .32 caliber pistol, bearing serial number 59216. Velez was escorted to the Plant Protection Department. He later signed a statement in which he conceded that he had had four drinks at a party and had brought the loaded gun into Company property concealed in the waistband of his pants. An investigation was conducted on February 25, 1977. Velez at that time (in the presence of his Union Representative) admitted that he had been in possession of a loaded gun on plant property on February 20, 1977, and he admitted having consumed a specific amount of alcohol prior to reporting for work. Velez was then suspended from employment for violation of Rules 102-c and 102-d of the General Rules for Safety and Personal Conduct. Those rules read as follows:

"PERSONAL CONDUCT  
RULES AND REGULATIONS

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"102. The following offenses are among those which may be cause for discipline, up to and including suspension preliminary to discharge:

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"c. Unauthorized possession or storing of weapons or explosives on plant property.

"d. Reporting for work under the influence of liquor; being in possession of, while in the Plant, or bringing into the Plant, intoxicating liquors."

A suspension hearing was requested and held on March 2, 1977. The Union requested that Velez be afforded one final chance to demonstrate his responsibility. The Company reviewed the request and informed the Union that no useful purpose would be served by granting the Union's request. Velez was discharged effective March 4, 1977. A grievance was filed protesting the termination from employment and the issue arising therefrom became the subject matter of this arbitration proceeding.

#### DISCUSSION

The basic facts are not in serious dispute. Velez admitted on at least three occasions, including a signed statement, that he had reported to work under the influence of alcohol and with a loaded gun on his person. He violated two rules which called for the imposition of disciplinary measures "up to and including suspension preliminary to discharge."

There is nothing in the record that would indicate that the Company has failed to terminate employees who have been detected bringing guns on Company premises or who have been found to have guns in their possession on Company premises. Velez was well aware of the rules. He received copies of the Plant Rules as they were published and distributed to employees. In 1974 Rule 102-c was distributed by the Safety Department and Velez was present at a

weekly safety meeting when the rule was discussed by his foreman. As late as February, 1977, Rule 102-d was reviewed with him by his foreman during a safety contact. In January, 1976, Velez' son (who had been employed at Inland) was terminated from employment after he had been charged with having a gun in his possession on Company premises. In June, 1976, the Union became concerned with problems involving employees carrying weapons in their cars and carrying weapons on Company premises. It published a notice in the Local Union newspaper (THE STEELWORKER) which specifically cautioned employees concerning the consequences that would flow from the possession of weapons on Company premises. That notice is hereinafter set forth as follows:

"There is a situation that has developed because of our feeling that security must come on a personal basis and a lot of our people have taken to carrying weapons in their cars. Because the law is very explicit about this and I can warn you that some of our people have gotten into trouble because of it, there is still another aspect that a lot of us haven't thought about and it will lead to discharge without recourse and that is a gun or another weapon on your person or in your car on company property, and this includes parking lots at Inland Steel Company. The property belongs to them and they say they will fire anyone who is apprehended with a weapon."

The problem with respect to Velez' attempt to report for work under the influence of alcohol assumes greater significance in view of the fact that Velez was a crane operator and would have been operating an overhead crane over the heads of fellow employees.

Velez testified that he had not been in the habit of bringing a gun on Company premises. He testified that he had become concerned for his safety when he had been followed by someone while walking to work approximately two weeks prior to the incident in question. He testified that he attended a party on the night of the incident and had related his concern to friends. He testified that a friend gave him the gun and that he left the party at 7:00 P.M. He testified that he went home and at 11:00 P.M. he left his home, which was located some three or four blocks from the plant, and he proceeded to walk to the plant. Velez testified that he had an exemplary record with the Company and in 1956 had received a commendation when he had saved an employee from serious injury or death. Velez testified that he had learned his lesson and, if restored to employment, there would be no reason for him to break either of the rules in the future.

The Union contended that consideration should be given to Velez in view of his twenty-four years of service with the Company. The Union referred to supporting decisions of Arbitrator Cole at Inland, and it cited an award issued by Arbitrator Fasser at a Republic Steel Plant involving restoration to employment of an employee who had brought a gun onto company premises.

It should be noted that the two cited decisions by Arbitrator Cole concern themselves with matters involving burden of proof. In both cases, Arbitrator Cole had found that the Company

had failed to establish the guilt of the employee and the grievances were sustained. Neither case involved a matter of possession of a weapon on company premises, and the issues turned primarily on matters of proof. A careful reading of the Fasser award makes it clear that the gun in question was brought to the plant for purposes of a possible sale. The barrel of the gun had been plugged with clay and there was evidence in the record that employees had been permitted in the past (by members of supervision) to bring similar weapons onto company premises for the purpose of attempting to sell the weapons.

The Company introduced evidence in this record indicating its deep and continuing concern for the safety of employees and members of supervision when guns are brought onto Company premises. It cited incidents at U. S. Steel (Gary) where four persons were killed and three were wounded. A foreman was shot to death at the Youngstown Plant (Indiana Harbor). At a nearby chemical plant (Stauffer) one employee was killed and two were wounded. The Company cited an incident at Inland Steel when an employee brought a gun onto Company premises, became angry after some horseplay, and attempted to shoot an employee. The gun misfired, and when the employee pulled the trigger a second time, the gun fired but the employee's arm had been deflected by a foreman and the bullet went wild. There is evidence in the record that a sergeant of security had been shot and wounded at Inland. The Company has consistently

taken the position and had re-emphasized its position that Rule 102-c would be periodically brought to the attention of all employees and would be strictly enforced.

Every possible consideration should be given to an employee who has spent twenty-four years in the employ of this Company. The arbitrator is mindful of the fact that more than 100 employees registered their concern after Velez had been terminated and had urged Velez' restoration to employment. The fact remains, however, that the rule had been promulgated in the first instance under circumstances where the Company exercised concern for more than 20,000 of its employees working at this plant. There is nothing in this record (other than Velez' long period of service with the Company) that could justify the mitigation of the penalty of termination either for the offense of reporting for work under the influence of alcohol or for unauthorized possession of a loaded weapon on Company premises. The arbitrator must find that the Company had just and proper cause for the termination from employment of Velez. The grievance must be denied.

AWARD NO. 636

Grievance No. 27-M-52

The Company had proper cause for terminating Adolfo Velez from employment on or about March 4, 1977. The grievance is hereby denied.

Bert L. Luskin  
ARBITRATOR

December 21, 1977



CHRONOLOGY

Grievance No. 27-M-52

Grievance filed (Step 3)	March 7, 1977
Step 3 hearing	March 18, 1977
Step 3 minutes	March 28, 1977
Step 4 appeal	April 11, 1977
Step 4 hearing	April 28, 1977
Step 4 minutes	July 7, 1977
Appeal to arbitration	July 25, 1977
Arbitration hearing	November 16, 1977
Award issued	December 21, 1977