

In the Matter of the Arbitration Between

INLAND STEEL COMPANY

AND

UNITED STEELWORKERS OF AMERICA
AND ITS LOCAL UNION 1010

Grievance No. 23-M-24
(Dwayne A. Williamson,
Grievant)
Award No. 637

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. R. H. Ayres, Manager, Labor Relations
Mr. G. J. Radich, Superintendent, No. 3 Cold Strip Department
Mr. M. W. Pratt, Captain, Investigation, Plant Protection
Mr. J. E. Blair, Senior Labor Relations Representative

For the Union:

Mr. Theodore J. Rogus, Staff Representative
Mr. William Gales, Vice Chairman, Grievance Committee
Mr. Buddy Hill, Griever
Mr. Dwayne A. Williamson, Grievant

Arbitrator:

Mr. Bert L. Luskin

BACKGROUND

Dwayne A. Williamson was employed by the Company on January 5, 1972. In February, 1977, Williamson was working as a pipe fitter helper (mechanical) in the No. 3 cold strip. Williamson was initially suspended as a result of an incident which occurred on February 18, 1977. Williamson was thereafter terminated from employment on March 7, 1977.

On February 18, 1977, Williamson came to the plant and proceeded to the clinic. Williamson had been absent because of illness and he was required to appear at the clinic before he could return to employment. Williamson removed his jacket, and a nurse noted that Williamson was wearing a shoulder holster that was empty. The Plant Protection Department was notified. Captain Pratt proceeded to the clinic, noted the holster that was worn by Williamson, and asked Williamson what he had done with the gun. Williamson responded that the gun was "in his car" and that the car was in a Company parking lot. Williamson and Captain Pratt then proceeded to the car. Captain Pratt asked Williamson for the keys to Williamson's car. Captain Pratt unlocked and opened the car door.

Williamson informed Captain Pratt that his gun was under the driver's seat of the car. The gun was removed and was identified as a loaded .357 Colt Lawman Mark 3, bearing serial number L33347. The gun was unloaded and confiscated. Williamson was asked to come to the Plant Protection Department for questioning. He then signed a statement admitting ownership of the gun and conceded that the gun had not been registered in East Chicago, Indiana, nor did Williamson have a permit to carry the gun. Williamson informed Captain Pratt that he had the permission of the Chief of Police of Gary, Indiana, to carry the gun since Williamson was a member of the Gary Civil Defense Auxiliary Police Force.

An investigation was held on February 22, 1977, and all of the relevant facts and circumstances were reviewed. The grievant was suspended for violation of Rule 102-c, which is hereinafter set forth as follows:

"PERSONAL CONDUCT
RULES AND REGULATIONS

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

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

The Union at that time conceded that the grievant had violated the rule and that, although some discipline was warranted, discharge was "too severe" a penalty for the type of offense that was committed.

The Company thereafter reviewed all matters that had been raised and, on March 7, 1977, Williamson was terminated from employment.

A grievance was filed on Williamson's behalf and processed through the preliminary steps of the grievance procedure. The issue arising therefrom became the subject matter of this arbitration proceeding.

DISCUSSION

During the course of the investigation Williamson informed Captain Pratt of the Company's Plant Protection Department that he had become ill on February 16, 1977, had appeared at the Inland clinic where his blood pressure was taken, and Williamson was then sent home. Williamson stated that when he appeared at the clinic that morning (February 16, 1977) he was wearing an empty shoulder holster in exactly the same manner as he was wearing an empty shoulder holster on February 18, 1977. It was on February 18, 1977, that a nurse was attracted to the presence of the holster, reported the matter to plant security and the presence of Williamson's gun (concealed under the seat of his car) came to light and resulted in his termination from employment.

Williamson testified that he had assumed that he was not permitted to bring a gun into the "mill." He conceded that he had received a copy of the Plant Rules and Regulations, was aware of the existence of Rule 102-c, and he conceded that on December 11, 1974; his foreman had made a safety contact with him and had gone over the contents of Rule 102-c which covered not only the "mill" but any portion of the plant property including the parking lot.

Williamson testified that he was a volunteer member of the Auxiliary Police Department of the Gary Civil Defense Organization. He testified that he rode and walked with Gary police officers and that he had received permission from the Chief of Police of the City of Gary to carry a gun while he was performing his volunteer duties.

Williamson initially informed Company officials that he had performed auxiliary police duties in Gary between the hours of 4:00 P.M. and 12:00 midnight on the evening preceding the incident of February 18, 1977. During all steps of the grievance procedure Williamson had stated that he had returned to his home, had several hours of sleep and had then reported to the plant for preliminary medical examination before returning to actual work. At the arbitration hearing Williamson testified that after completing his tour of volunteer duty at approximately midnight he had gone home and received a telephone call causing him to return to assist Gary police officers who were conducting a narcotics stake out. At the

arbitration hearing he offered a statement signed by a Special Assistant to the Chief of Police of the City of Gary to the effect that Williamson had been on duty assisting the Gary Police Department just prior to reporting on the day shift at Inland Steel on February 18, 1977.

The Union conceded that Williamson had violated the Plant Rule and that some measure of discipline should have been imposed against Williamson. The Union contended, however, that discharge in this case was too severe a penalty for the degree of the offense committed. It pointed to the fact that Williamson made no threats, did not carry the gun on his person and would have locked the gun in the trunk of his car if he had been permitted by the Medical Department to report for work on the morning in question.

In 1976 an employee was discharged for possession of a loaded weapon while on the Company's parking lot. The Local Union then published in its June, 1976, edition of THE STEELWORKER the following statement:

"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 Union and all employees were informed that the Company did not distinguish between violations of Rule 102-c occasioned by possession of a gun on an employee's person while in the plant or by possession of a gun while the gun may be located in an employee's automobile on Company premises. If Williamson did not have a gun in his car on February 16, 1977, it would be reasonable to believe that he had no need to wear a shoulder holster when he reported to the Medical Department prior to going home on that day. That was identical to the situation which occurred on February 18, 1977, and which led to Williamson's suspension and termination from employment.

In order for the Company rule to have any meaning, it must be applied consistently. Deviations from the application of the rule (except under the most unusual and compelling circumstances) would serve to destroy the effectiveness of the rule and could thereby place the lives of employees of this Company in jeopardy. There is no need for this arbitrator to re-emphasize the terrible dangers involved in bringing a loaded weapon onto Company premises. The Company had a right to issue Rule 102-c in the first instance, and it had the right to enforce that rule. The Union recognized the problems involved and the potential degree of discipline for the violation of the rule when it used its publication to give the rule and its implications the widest possible dissemination.

The fact that Williamson was cooperative during the course of the investigation would not mean that the Company should establish an exception in this case and impose a lighter form of discipline than it has imposed for similar offenses in other cases.

The fact that the Gary Police Department may have permitted Williamson to carry a gun while he was performing volunteer functions in Gary, has no basic bearing on the issue. No gun permit had been issued to Williamson by any community in Indiana or by the State of Indiana that would have permitted Williamson to bring a gun onto Company premises without the express permission of the Company.

Williamson violated a plant rule that subjected him to termination from employment. The Company exercised its right to terminate Williamson and the termination must be considered to have been imposed for proper cause.

For the reasons hereinabove set forth, the award will be as follows:

AWARD NO. 637

Grievance No. 23-M-24

The Company had proper cause for the suspension and termination of Dwayne A. Williamson from employment. The grievance is hereby denied.



ARBITRATOR

December 21, 1977

CHRONOLOGY

Grievance No. 23-M-24

Grievance filed (Step 3)	March 11, 1977
Step 3 hearing	March 24, 1977
Step 3 minutes	April 20, 1977
Step 4 appeal	April 28, 1977
Step 4 hearing	May 5, 1977
Step 4 minutes	July 7, 1977
Appeal to arbitration	July 25, 1977
Arbitration hearing	November 16, 1977
Award issued	December 21, 1977