

Award No. 668
In the Matter of the Arbitration Between
INLAND STEEL COMPANY
AND
UNITED STEELWORKERS OF AMERICA
AND ITS LOCAL UNION 1010

Grievance No. 28-N-27

Appeal No. 1271

Arbitrator: Burt L. Luskin

August 2, 1979

INTRODUCTION

An arbitration hearing between the parties was held in Harvey, Illinois, on July 17, 1979.

APPEARANCES

For the Company:

Mr. T. L. Kinach, Arbitration Coordinator, Labor Relations

Mr. R. H. Ayres, Manager, Labor Relations, Industrial Relations

Mr. W. C. Wingenroth, Superintendent, Industrial Relations Planning

Mr. W. B. Stallard, Superintendent, Stores and Trucking

Mr. J. L. Federoff, Assistant Superintendent, Labor Relations

Mr. D. O. Chism, General Foreman, Trucking

Mr. J. L. Tchalo, Staff Representative, Wage, Wage and Salary Administration

Mr. S. Amatulli, Services Section General Foreman, No. 3 Cold Strip

Mr. J. E. Jones, Coordinator, Employee Services, Personnel

Mr. W. W. Gillespie, Coordinator, Labor Relations

Mr. J. T. Surowiec, Senior Representative, Labor Relations

For the Union:

Mr. Theodore J. Rogus, Staff Representative

Mr. Joseph Gyurko, Chairman, Grievance Committee

Mr. Don Lutes, Secretary, Grievance Committee

Mr. Jack Thill, Griever

Mr. Rudy Schneider, Griever

Mr. Earl Neal, Griever

Mr. Ron Matlack, Steward

Mr. Charles W. Scheeringa, Grievant

BACKGROUND

Charles W. Scheeringa was employed by the Company on February 9, 1973. He is currently assigned to No. 3 Cold Strip Mill East Department. He is a Tractor Operator at the No. 29 Temper Mill. His established job is in the Mobile Equipment Sequence.

The Company posted ten concurrent vacancies for the non-craft position of Truck Driver in the Trucking Department. Those positions were posted for plant-wide bidding in compliance with the requirements set forth in the Collective Bargaining Agreement. There are three positions in the Truck Driver Sequence. The bottom job is the position of Truck Driver Trainee. There are no employees in that classification at this time, and there have been no employees in that classification since 1976. The primary classification is that of Truck driver. There are some 475 persons in that classification who can be required to drive each and every truck operated by the Company as a part of its Trucking Department. There are 237 trucks in the Trucking Department at the Harbor Works. Those vehicles are generally classified into eleven vehicle categories consisting of pickups, van stake trucks, off-road end dumps (Euclids, etc.), aerial basket trucks, tandem axle dump trucks, single axle tractors, tandem axle tractors, hoist trucks, dumpster trucks, tank trucks and buses. Included within the equipment operated by the Trucking Department are some 240 trailers for the various motorized units. Those trailers are classified into seven categories and consist of flat beds, dump trailers, "V" bottoms, low boy trailers, stake trailers, tanker trailers and bus trailers. The third classification in the sequence is that of Truck Driver Instructor. There are no employees currently holding that classification. In substance, the only classification that is filled in the Truck Driver Sequence is that of Truck Driver.

In August, 1970, the Company established admission requirements for the Truck Driver occupation. The parties thereafter reached agreement on August 25, 1970, for the selection of Instructors and for procedures

for acclimating newly hired or transferred qualified Truck Drivers. The parties reached agreement that Instructors would be assigned only when training employees who have limited truck driving experience and who qualified for the training program as Trainees. In January, 1973, the 1970 admission procedures and qualification requirements were revised, updated and republished, and the procedures were submitted to the Union. The basic requirements for admission to the Truck Driver classification that had been in effect since 1970 remained unchanged. In essence, before an applicant could be placed directly into the Truck Driver occupation, he had to be able to satisfactorily read, write and conduct verbal communications in the English language. The applicant had to meet the physical requirements established by the Company's clinic for the Truck Driver occupation by being able to tip and roll a filled 55-gallon drum of oil. The applicant had to have an appropriate chauffeur's license and he had to provide written statements from a previous employer or employers documenting a minimum of two years of fulltime satisfactory driver experience in any one or any combination of categories of equipment listed as follows:

"Semi Tractor-Trailer, 15-ton (minimum) loads:

"Hauling:

"Steel mill products secured to trailer, namely: bars & structural shapes (20 feet long or longer), steel sheets, plates or coils,

"- or -

"Industrial machinery and equipment of size and shape requiring individual units to be secured to trailer."

A qualified applicant is provided with a truck driver proficiency test. If he passes with a grade of 70 percent or higher, he is hired or transferred into the Truck Driver classification pursuant to and in accordance with the seniority provisions of the Contract. Any applicant who meets the basic requirements but who scores between 40 and 69 percent on the proficiency test, cannot immediately enter the Truck Driver classification, but he would be afforded the opportunity to apply for the Truck Driver Trainee occupation. The requirements for entry into the Trainee classification are identical with respect to literacy, physical requirements and license. He cannot apply for the Truck Driver Trainee position unless the applicant can produce written statement or statements from previous employer or employers documenting a minimum of two years of "full time, satisfactory driver experience in any one or any combination of categories of trucking equipment listed below:"

"Category A:

"Flat-bed or stake truck, 2-1/2 ton capacity or larger, hauling:

"Steel mill products, namely: bars or structural shapes (20 feet long or longer), steel sheets, plates or coils, or industrial machinery.

"Category B:

"Dump truck, 2-1/2 ton capacity or larger, hauling:

"Slag, stone, sand, gravel or dirt.

"Category C:

"Semi tractor-trailer, hauling:

"Any type of material."

An employee who is hired or accepted for transfer into the Truck Driver Trainee classification would be given a proficiency test before the end of thirty working turns. If he scores less than the grade of 70 percent, he is disqualified and removed from the Department. If he qualifies, he then moves up to the Truck Driver classification.

Scheeringa applied for a Truck Driver vacancy on May 3, 1978. A number of other employees applied for similar vacancies. In each and every instance the applicants were denied entry into the classification on the basis that they did not meet the basic eligibility requirements that were initially established in 1970 and revised in 1973. Scheeringa thereafter filed a grievance contending that he had bid for a non-craft permanent vacancy in the Trucking Department and contending that he had been wrongfully denied the opportunity to fill one of the posted vacancies. He requested placement on the job for which he bid and he requested compensation for all moneys lost. The grievance was denied and was thereafter processed through the remaining steps of the grievance procedure. The issue arising therefrom became the subject matter of this arbitration proceeding.

DISCUSSION

The Company complied with the applicable seniority provisions of the Agreement. The position in question was posted plant-wide. The grievant was afforded the opportunity to bid for a Truck Driver vacancy and he was declared ineligible for the vacancy on the basis that he lacked the minimum classifications necessary for entry into the Truck Driver classification based upon his lack of documented experience. The

Company's standards have been published and have been in effect since 1970. The revisions that were made in 1973 did not serve to change the basic standards.

The Union has argued that Scheeringa has had sufficient experience in driving trucks so that he could be considered immediately qualified to operate approximately 135 pieces of equipment out of 237 vehicles in the Company's truck fleet. It was the Union's contention that, although Scheeringa may have lacked the qualifications necessary to operate all of the trucks in the Company's fleet, a relatively short training period would have qualified him to operate all of the equipment in question. The Union contended that Scheeringa operates various pieces of mobile equipment as a tractor operator, and such equipment can be reasonably compared in complexity of operation with the trucks in the Company's fleet. The Union contended that the Company should have accepted Scheeringa's bid and to have placed him in the Trainee classification. The Union contended that, under the provisions of Article 13, Section 1, where an objection is made to the Company's evaluation of "competing employees' ability to perform the work," the longest continuous service employee would be entitled to a reasonable trial period of not less than thirty days. The Union contended that Scheeringa should have been offered such a trial period before an employee with less seniority was placed on the job or before a person was hired from the outside and placed on the job in question.

The evidence clearly established the fact that the Company did not post a vacancy for the position of Truck Driver Trainee. If it was willing to accept an employee into that classification, it would have posted the vacancy for a Trainee position rather than for a Truck Driver position. The Company had the right to decide whether it would accept a Trainee or whether it would insist upon filling its vacancy with a fully qualified truck driver who could meet the minimum requirements established by the Company for entry into that classification.

The requirements for admission into the Truck Driver classification were established in 1970 and revised in 1973. The basic minimum qualifications have remained unchanged for almost nine years. They must be considered to be reasonable standards designed to provide the Company with bidders who meet the minimum requirements for entry into the classification.

The evidence clearly establishes the fact that, although Scheeringa could at some future time become a competent, qualified truck driver, the fact remains that when the vacancy was posted in May, 1978, Scheeringa did not possess the minimum qualifications and experience necessary for entry into the Truck Driver classification. The Company was under no contractual obligation to provide him with a training program in order that he could meet the minimum qualifications.

The Truck Driver Sequence is somewhat unique. In some sequences employees in bottom jobs achieve experience by the very nature of the operations, their exposure to the work, and their presence in the areas where the work is being performed. The Company operates 237 different types of vehicles in its Trucking Department and it expects and requires that any one of the 475 employees in the Truck Driver classification should be able (without any additional training or experience) to drive and to operate any one of the 237 pieces of equipment in its truck fleet. In addition thereto there are some 240 various types of trailers that are hauled by various trucks.

The fact that an employee may, through the application of the "pick" system, limit his driving to one, two or three categories of equipment would have nothing to do with the issue in this case. The fact remains that some of the most senior employees in the classification with between 35 and 40 years of seniority, pick and choose the lighter and less complex pieces of equipment in accordance with the application of their seniority rights. There is a major distinction between familiarizing a new truck driver with the areas in the plant where the equipment will be utilized, and training an employee to operate the Company's equipment. Scheeringa had never claimed that he had operated the type of equipment referred to in the Company's standards on a full time basis for the two-year minimum period of time set forth in those standards. His application for employment did not disclose truck driving experience, and he never provided the Company with the required documentation of proof of the minimum period of two years of satisfactory driver experience in the listed pieces of equipment. At the arbitration hearing Scheeringa testified that he had, at various times, driven many different trucks similar to those being operated by the Company. He contended that he could drive all of the equipment being operated by the Company in the Truck Driver classification. The Company's testimony that it does not train drivers in the operation of its equipment was never contradicted. The Company does not have the training equipment, the track or the structures necessary to operate a training program that would permit a driver to achieve the necessary skills and abilities required in the operation of the more complex types of equipment in the Company's truck fleet that are included within the 237 pieces of equipment in the Trucking Department.

The evidence indicates conclusively that the Company followed its contractual obligations when it found a need for ten truck drivers who could meet the Company's standards for entry into the Truck Driver classification and to pass the necessary proficiency test. It posted the jobs plant-wide and it accepted bids. When the Personnel Department checked Scheeringa's qualifications, it concluded that he did not possess the requisite basic minimum qualifications necessary for entry into the Truck Driver classification in accordance with the standards that had been established and followed by the Company for a period of some eight years preceding the posting of the vacancies in question.

Scheeringa has never provided the Company with statements from former employers that are required by the standards. The Company was not contractually required to provide Scheeringa with a training program, and the Company was not contractually required to post a vacancy for a Trainee position when it concluded that it needed and required the services of a trained and qualified truck driver.

The arbitrator must, therefore, find that the Company did not violate any applicable provision of the Collective Bargaining Agreement when it denied the grievant's request for entry into the classification of Truck Driver in the Trucking Department.

AWARD

Grievance No. 28-N-27

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The grievance of Charles W. Scheeringa is denied.

/s/ Burt L. Luskin

ARBITRATOR

August 2, 1979