

Award No. 687  
In the Matter of the Arbitration Between  
INLAND STEEL COMPANY  
AND  
UNITED STEELWORKERS OF AMERICA  
AND ITS LOCAL UNION 1010

Grievance No. 16-N-57

Appeal No. 1291

Arbitrator: Bert L. Luskin

June 4, 1980

#### INTRODUCTION

An arbitration hearing between the parties was held in Harvey, Illinois, on May 19, 1980. Pre-hearing briefs were submitted by the parties.

#### APPEARANCES

For the Company:

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

Mr. R. T. Larson, Labor Relations Coordinator

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

Mr. R. C. Weymier, Superintendent, No. 1 and No. 2 Cold Strip Mills

Mr. R. L. Urbanczyk, General Foreman, No. 1 and No. 2 Cold Strip Mills

Ms. Margie Rogowski, Turn Foreman, NO. 1 Cold Strip Mill

Mr. W. L. Kohler, Transportation Foreman, No. 1 and No. 2 Cold Strip Mills

Mr. R. B. Castle, Senior Labor Relations Representative

Mr. M. J. Mezey, Administrator, Manpower Planning, Personnel

Mr. C. B. Salyer, No. 2 Pickle Line Operator, No. 1 Cold Strip Mill

Mr. K. Whiten, Industrial Relations Trainee

Mr. S. E. Ratkey, General Foreman, Electrical, No. 1 and No. 2 Cold Strip Mills

Mr. V. Soto, Representative, Labor Relations

For the Union:

Mr. Theodore J. Rogus, Staff Representative

Mr. Phil King, Acting Secretary, Grievance Committee

Mr. Jack Thill, Griever

Mr. Earl Neal, Griever

Mr. Joe Witezak, Assistant Griever

Mr. Derrick J. Puckett, Grievant

#### BACKGROUND

Derrick J. Puckett was employed by the Company on June 1, 1977. He worked in various positions in the No. 1 and No. 2 Cold Strip Mills. On September 5, 1979, Puckett was working as an overhead crane operating crane No. 12A on the 7:00 A.M. to 3:00 P.M. turn. That crane serviced the No. 1 and No. 2 pickle lines and was the crane that was primarily responsible for the periodic removal of scrap from the scrap bin as the scrap was emptied from the conveyor. It was essential that the scrap be regularly removed in order to prevent damage to the conveyor caused by scrap backing up from a filled chute and wedging under the conveyor.

At approximately 2:40 P.M., some twenty minutes before the end of the turn, Turn Foreman Margie Rogowski received a telephone call from the pickle line operator who informed Rogowski that he had been signaling for the crane to remove scrap that was jamming on the line. He stated that unless the jam was cleared, the pickle line would have to shut down. He informed Rogowski that he received no response from the crane. Rogowski left her office and saw Puckett walking in a southerly direction parallel with the lines. Puckett was dressed in street clothes and was wearing street shoes. He wore a snap-brimmed hat. He carried a brief case, and he was walking toward an exit.

There is a fact dispute concerning the conversation that ensued between Rogowski and Puckett. Rogowski contended that she stated to Puckett, "They're blowing for you." Puckett allegedly responded by stating, "Not me. I'm going home." Rogowski directed Puckett to return to the crane and respond to the call and to then empty the scrap bin. Puckett allegedly stated that it was 2:45 P.M. and that He was entitled to a fifteen-minute wash-up period. Puckett allegedly stated that He had been seated in the crane since 1:30 P.M., had performed no crane operations between 1:30 P.M. and 2:30 P.M. and that no one had bothered to

hook up the magnet in order that he could remove the accumulated scrap from the bin. Rogowski testified that when she directed Puckett to return to the crane, Puckett agreed to do so, whereupon Rogowski drove Puckett back to the crane in the Cushman cart which she used for transportation. Rogowski testified that when they reached the crane, Puckett stated that the crane was not safe and that he had encountered operating difficulties with the crane. Rogowski then called the Transportation Foreman and reported that there was a problem with crane No. 12A.

When the Transportation Foreman (Kohler) arrived, Puckett allegedly informed Kohler that he was entitled to wash-up time and that it was appropriate for Puckett to have left the crane even though the crane operator who was scheduled on the shift starting at 3:00 P.M. had not arrived and had not relieved Puckett. In that conversation Rogowski allegedly informed Puckett that he was responsible for the operation of the crane until 3:00 P.M. Foreman Rogowski then left the area in order to arrange to have crane No. 13 (which did not have an attached magnet) tamp down the scrap with a hook in order to permit additional scrap to enter the bin and to allow the line to continue to operate. Foreman Kohler, Puckett and a spellman craneman who had arrived in the area with Kohler, then climbed to the crane cab. Puckett informed Kohler that the crane had been repaired on two occasions during the course of the turn. Puckett stated that the hoist was slow and was not responding through the limit stage. A fan guard had not been replaced. Puckett showed Kohler a note which had been left for Puckett by the crane operator whom he had relieved at 7:00 A.M. The note stated that the 11:00 P.M. to 7:00 A.M. crane operator had encountered trouble with the hoist and that Puckett should report the problem to an electrician. Puckett had left that same note, together with an additional message inscribed by Puckett, for the 3:00 P.M. craneman, also alerting that employee to problems with the hoist. The 3:00 P.M. crane operator arrived late, was told that he would be docked, and was instructed by the Transportation Foreman to check the crane and report any malfunction. It was the contention of the Transportation Foreman that there was no operating problems with the crane after 3:00 P.M. until a magnet cable was damaged by a blow and required repairs at approximately 6:00 P.M. The craneMan who reported for work at 3:00 P.M. did not thereafter report hoist problems nor were there any conditions reported that would have indicated that the crane was in an unsafe condition.

The General Foreman interviewed Puckett on September 6, 1979. Puckett allegedly informed General Foreman Urbanczyk that he had the right to leave the crane fifteen minutes before the end of the shift, whereupon Puckett was informed that there was no such practice in existence which would have application to crane 12A. Puckett then allegedly stated that he had encountered trouble with the hoist. General Foreman Urbanczyk testified that electricians had lined up the crane for repairs on the morning of September 5, 1979, and that repairs to the crane had been completed at 10:00 A.M. Urbanczyk testified that when he asked Puckett why he had left the crane at least fifteen minutes before the end of the shift and had earlier failed to use his crane to remove scrap from the bin, Puckett allegedly stated that he had left the crane early and was on his way to the office in order to report the operating problems which he had encountered with the crane. Puckett conceded to Urbanczyk that he had worked with a group of millwrights after 10:30 A.M. on the morning of September 5, 1979, and was required to perform close tolerance work. Urbanczyk thereupon informed Puckett that he would be suspended from employment for leaving his working position without permission. He informed him that, since Puckett had committed the identical type of violation on two other occasions for which Puckett had been suspended for varying periods of time, Puckett was now being suspended with intent to discharge.

A hearing was held on September 12, 1979. The suspension was converted to a discharge on September 19, 1979. A grievance was filed by Puckett on September 20, 1979, contending that the Company had violated the provisions of Articles 3 and 8 of the Collective Bargaining Agreement on the basis that the Company did not have just cause for the action it had taken in suspending and subsequently terminating Puckett from employment. 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 grievance proceeding.

#### DISCUSSION

Puckett was charged with violating Rule 127-1 of the General Rules for Safety and Personal Conduct. That rule is hereinafter set forth as follows:

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

"1. Leaving employee's working place or visiting around the Plant away from your usual or assigned place of duty at any time, either during or outside of your regular working hours, without permission of your supervisor."

The Company contended that, although a violation of Rule 127-1 would and of itself justify termination from employment, it reviewed Puckett's unsatisfactory record of conduct during his relatively short period of employment. That prior record of reprimands, warnings, record reviews and suspensions is hereinafter set forth as follows:

"Date	Infraction	Action
"5-23-78	Absenteeism	Reprimand
9-1-78	Out of assigned work area (leaving work early)	Discipline - 1 turn off
12-12-78	Absenteeism	Discipline - 1 turn off
2-12-79	Safety rule violation	Safety warning
4-25-79	Out of assigned work area (leaving work early)	Discipline - 3 turns off
5-7-79	Overall record	Record review with assistant superintendent - final warning
8-24-79	Absenteeism	Discipline - 2 turns off"

It is essential to note that Puckett was not charged with an act of insubordination nor was he charged with an interference with production.

From an analysis of all of the evidence in the record, the arbitrator must find that the operator of the No. 2 pickle line (Salyer) did attempt to attract Puckett's attention by signaling for service at about 2:30 P.M., and Puckett did not respond to that signal. The operator signaled for Puckett's crane to call Puckett's attention to the fact that the chute was full and crane service was needed to either empty the chute or to use the crane in a manner which would permit the scrap to continue to move without causing the line to back up.

What emerges from all of the evidence in this record is the fact that Puckett left the crane at or about 2:30 P.M., some thirty minutes before the end of his shift. He then proceeded to change his shoes, change hats, pick up his brief case, use the washroom facilities, stop and talk with a shearman helper, and then walk down to a point almost approximating the end of the operating line before he was met by Foreman Rogowski, who informed him that the crane which he Had been operating was needed for service. It is significant to note that Puckett made no claim at that time that there was anything wrong with the crane. He insisted that he had a right to leave the crane at 2:45 P.M. in order that He could take a fifteen-minute wash-up period. Puckett did respond to the foreman's direction that he return to the crane. When Puckett arrived at the crane site, he explained (for the first time) that the crane was "unsafe." The foreman followed correct operating procedures when she called the Transportation Foreman, who arrived at the site in a few minutes and ascertained very quickly that the crane was in good operating condition. It should be noted that Puckett testified that his crane had undergone repairs at the start of the shift and that he worked with maintenance employees on a close tolerance operation for a period of more than three hours. The only operating fault that Puckett could find with the crane was that the hoist was slow and had a poor response. There is uncontradicted testimony in the record, however, that the crane operator who relieved Puckett for the 3:00 P.M. shift operated the crane without difficulty or problem of any kind until approximately 6:00 P.M. when the crane was accidentally damaged and required repairs.

Puckett's testimony was replete with inconsistencies and contradictions. He denied having made a claim for a fifteen-minute wash-up time and he insisted that he had left the crane at approximately 2:40 P.M. fully intending to remain in the area until his relief arrived for the start of the 3:00 P.M. turn. He insisted that he had left the crane site before 3:00 P.M. in order to present his report concerning the poor condition of the crane and the need for additional maintenance work because of problems with the hoist. He conceded that the crane was operable, although in a poor working condition, and he insisted that he had no intention of leaving the crane until he was relieved. He testified that there were two break downs affecting crane No. 12A on that day and that in both instances maintenance employees made the necessary repairs. The last repairs were completed at approximately 1:30 P.M., and Puckett testified that he then sat in the crane and performed no operating functions until he left the crane at approximately 2:40 P.M. He offered no explanation whatsoever for his failure to check the condition of the chute, but he insisted that if the chute needed clearing and an emergency existed, one of the other cranes could have been adapted to perform that function. He justified his inattention and his failure to perform his operating functions by insisting that no one on the floor had taken the time and trouble to hook up the magnet which had been removed from the crane when Puckett was working with maintenance personnel. He offered no explanation, however, for his

failure to signal personnel on the floor to hook up the magnet in order that he could perform a simple operating task that would have taken thirty minutes and would have permitted the chute to have been cleared.

The crane report could have been turned in after Puckett was relieved. He conceded that he had no right to a wash-up period of fifteen minutes. The evidence would conclusively indicate that the employees who operate crane No. 12A are permitted to relieve each other and, if the employee assigned to the 3:00 P.M. turn arrived at 2:45 P.M., it would have been appropriate for Puckett to leave the crane at that time since the operating functions from that point on would have been assumed by the operator scheduled to work the 3:00 P.M. turn. It is evident that Puckett assumed that he would be relieved before 3:00 P.M. He miscalculated, however, since that crane operator was late in reporting for work.

Puckett has committed identical offenses on two other occasions. On September 1, 1978, he was suspended for one turn when he left his crane one hour and ten minutes before the end of his scheduled shift of work. He was informed at that time that he was to stay on the job until the end of the turn or until he was properly relieved. A similar incident occurred on April 23, 1979, when Puckett left his crane approximately one hour before the end of his turn. He was suspended on that occasion for three turns, and the suspension was followed by a record review with the Assistant Superintendent who issued a final warning to Puckett. The Union argued that one of the other two cranes in the area could have been used to clear the chute. The fact remains, however, that Puckett's crane was supposed to be used to clear the chute and another crane might have been used only if Puckett's crane was down or was unavailable for operating reasons. Puckett had ample time to clear the chute since he did not provide any crane service for approximately one hour before he left the crane. A single signal would have resulted in personnel on the floor hooking up the magnet. Puckett was aware of the fact that one of the primary duties of the operator on crane No. 12A is to utilize that crane for the purpose of clearing the chute. He knew that the chute had not been cleared during his shift and he knew or should have known that he should have taken the time and trouble to check the condition of the chute. He was not, however, disciplined for that failure. He was disciplined because he left the crane unattended before the end of the shift and before he had been properly relieved. Puckett had no intention of waiting at the crane until he was relieved. He was dressed, wearing a dress hat and carrying a brief case. He had left the area of the crane cab and he was on his way out when he was stopped by Foreman Rogowski.

Puckett conceded that the crane was not in an unsafe condition. The crane had undergone repairs on three different occasions on the day in question. The crane was in reasonably good operating condition when it was examined by the Transportation Foreman at approximately 2:50 P.M., shortly before the end of the turn.

Puckett has been subjected to reprimands and a series of suspensions within the 27-month period of his employment. The offenses he committed could subject Puckett to the imposition of the penalty of termination from employment. The facts would indicate, however, that Puckett's actions did not constitute insubordination nor did they result in an interference with production. Puckett should be provided with one further opportunity to demonstrate that he is willing to comply with the published rules and regulations in the same manner as is required of all other employees. Puckett should be restored to employment with the Company with seniority, but without any back pay for the period between the date of his suspension and termination from employment and the effective date of his restoration thereto. The penalty of the prolonged period of suspension is justified on the basis of Puckett's deliberate and inexcusable breach of a rule for which he had been suspended on other occasions within a relatively short period of time preceding the incident in question.

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

AWARD No. 687

Grievance No. 16-N-57

Derrick J. Puckett should be restored to employment with the Company with seniority rights, but without any back pay for the period between the date of his suspension and termination from employment and the effective date of his restoration thereto. The intervening period should be considered to constitute a period of disciplinary suspension from employment.

/s/ Bert L. Luskin

ARBITRATOR

June 4, 1980