

In the Matter of the Arbitration Between

INLAND STEEL COMPANY

AND

UNITED STEELWORKERS OF AMERICA  
AND ITS LOCAL UNION 1010

Grievance Nos. 4-P-35  
and 4-P-36  
Appeal No. 1352  
Award No. 739

#### INTRODUCTION

An arbitration hearing between the parties was held in Harvey, Illinois, on August 9, 1983. Pre-hearing briefs were filed on behalf of the respective parties and exchanged between them.

#### APPEARANCES

##### For the Company:

Mr. Marion M. Roglich, Coordinator, Labor Relations  
Mr. Robert B. Castle, Arbitration Coordinator, Labor Relations  
Mr. William P. Boehler, Superintendent, Labor Relations  
Mr. Charles T. Hansotte, Assistant Superintendent, No. 4 B.O.F.  
Mr. Ray Nierman, General Foreman, Slab Caster, No. 4 B.O.F.  
Mr. James Derico, Turn Foreman, Slab Caster, No. 4 B.O.F.  
Mr. Andrew M. Bruns, Representative, Labor Relations  
Mr. Jim Radford, Assistant General Foreman

##### For the Union:

Mr. Joseph Gyurko, Chairman, Grievance Committee  
Mr. Thomas L. Barrett, Staff Representative  
Mr. Donald Lutes, Secretary, Grievance Committee  
Mr. Porfirio Dominguez, Acting Griever

Mr. Ignacio Rodriguez, Grievant

Mr. Mario Ramirez, Grievant

Arbitrator:

Mr. Bert L. Luskin

BACKGROUND

Mario Ramirez, Ignacio Rodriguez and G. Givens were employees of the casting sequence in the No. 4 B.O.F. Department on the 7:00 A.M. to 3:00 P.M. turn of October 25, 1982. Ramirez had been employed with the Company since September 1, 1969. Rodriguez had been employed with the Company since May 12, 1953.

A schedule had been posted indicating that Ramirez, Rodriguez and Givens were scheduled to attend a class on burning practices and procedures on October 25, 1982, that would be conducted at a designated location within the plant some distance away from the No. 4 B.O.F. Department. All three employees reported for work prior to the start of the 7:00 A.M. turn on October 25, 1982. All three employees were again notified by their immediate supervisor (James Derico) that they were to proceed to the site where the burning class would be held. All three employees were directed to wait at the locker room bus stop for transportation which would take them to the site where the class would be held.

October 25, 1982, was a contractual holiday (United Nations Day) and the plant operated on a holiday schedule. Although the No. 4 B.O.F. Department functioned, a substantial number of other departments were not in operation. All three employees thereafter proceeded to the locker room bus stop. The bus did not operate because of the holiday, and all three employees remained in that area until approximately 1:15 P.M., when they returned to their regular work location at the No. 4 B.O.F. Department and reported to Foreman Derico that the bus had never arrived. They had waited from approximately 7:30 A.M. until 1:15 P.M. before returning to their regular work site.

Members of supervision at the No. 4 B.O.B. Department were not aware of the fact that the bus-service which was to provide the three employees with transportation to the site of the burning class had been canceled. There is evidence in the record that Mechanical Department supervision (who would also be sending a number of persons to the burning class) had agreed to make the transportation arrangements for the employees from the No. 4 B.O.F. Department. Through a series of administrative errors and oversights, supervision at the No. 4 B.O.F. Department was not made aware of the fact that the class had been canceled because of the holiday.

When the three employees (Givens, Ramirez and Rodriguez) returned to their work site, they were instructed to spend the rest of the shift performing some clean up functions, after which they left the plant at the conclusion of their regularly scheduled shift of work.

Members of supervision thereafter conducted an investigation in order to determine why the class had been canceled and to determine why bus transportation had also been canceled without the knowledge of members of supervision at the No. 4 B.O.F. Department. Departmental officials concluded that, although the three employees who were scheduled to go to the burning class could not in any way be held responsible for the cancellation of the transportation that was to be provided for them, they were charged with a violation of Rule 127-n.

On October 29, 1982, disciplinary letters were issued to all three persons charging them with wanton and willful neglect and carelessness in the performance of their duties on October 25, 1982. They were informed that their failure to communicate with any member of supervision either personally or by telephone for a period of almost six hours while they waited at the bus stop for the arrival of transportation,

neglected to determine whether the burning class would or would not be held on that day. As late as the morning of October 25, 1982, supervision in the No. 4 B.O.F. Department had not as yet realized that it would be highly unlikely for a burning class to be held on a contractual holiday.

The administrative errors and oversights committed by various members of supervision from different departments would not, however, justify or excuse the grievants from a requirement that they exercise normal and reasonable judgment in carrying out a direction of supervision. They were told to wait for the bus, and they complied with that direction even though they may have believed that there would be no burning class held on that day. When it should have become evident after several hours had elapsed that there would be no bus, they should have made inquiries from either the office or from department supervision with respect to what would be expected of them for the remaining portion of the shift. Although the grievants may have exercised poor judgment in failing to make inquiries concerning what procedure should be followed after having waited several hours for a bus that did not arrive and their conduct might be characterized as a form of careless inattention to duties, it could not, however, be characterized as "wanton or willful neglect....in the performance of duties."

The errors committed by a number of persons responsible for the administration of department affairs cannot be chargeable to the grievants. The most that could be said is that the grievants exercised poor judgment, but that poor judgment cannot be characterized as a wanton or willful neglect in the performance of assigned duties. The grievants, therefore, could not be charged with a violation of Rule 127-n, and the disciplinary suspension imposed against the grievants in this case should be set aside and the grievants should be compensated for the time they were caused to lose from work as a result thereof.

an attempt to call the department. A reasonable alternative was available to all three employees. One of them could very well have walked to the office which was a short distance from where they were waiting for the bus and informed a member of supervision in that office that they had been waiting for several hours and a bus had failed to arrive to provide them with transportation to the burning class.

The fact situation in this case is unusual in many respects. Rodriguez had been employed with the Company for some twenty-nine years at the time this incident occurred. Ramirez had been employed with the Company for some twelve years at the time the incident occurred. Both employees have excellent records, and neither one could be characterized as the type of person who would seek out ways and means to avoid a work assignment for inordinate periods of time in order to avoid the performance of their normal duties and functions.

The problem arose as a result of a series of administrative errors and failures of communication. A mistake was made when the burning class was initially scheduled when persons responsible for the scheduling overlooked the fact that October 25, 1982, was a contractual holiday so that it would be highly unlikely that a burning class would be held on that day. A second administrative failure occurred when arrangements were made to have Mechanical Department supervision arrange for transportation for persons from their department who would be going to the burning class and also make arrangements for transportation for the grievants in this case. Supervisory personnel who assumed the responsibility for providing the transportation obviously became aware at some later point in time that the burning class would not be held but neglected to inform appropriate members of B.O.F. supervision that the class would not be held and that transportation arrangements would be canceled. A third administrative error occurred when members of supervision from the No. 4 B.O.F. Department overlooked the fact that October 25, 1982, was a contractual holiday and

contended that it had a right to expect that any reasonable person would have attempted to communicate with members of supervision and inform them of the failure of the bus to arrive after a reasonable period of time had elapsed. The Company contended that a simple telephone call to supervision or a visit to the office just a relatively few feet away from where they were waiting would have alerted members of supervision to the fact that the burning class had been canceled and that bus transportation would not be available for the grievants on that day.

The grievants contended that they complied directly and literally with orders of supervision. They contended that they were informed that they should wait at a bus stop for transportation, and they contended that if they had left that position and had missed the bus after it had been late in arriving, they would have been subjected to severe measures of discipline for failure and refusal to carry out a direction of supervision.

The grievants further contended that they had attempted on at least two occasions to inform members of supervision that the burning class would undoubtedly be canceled because the day on which it was scheduled to be held was a contractual holiday. They contended that their observations were ignored and they were, in effect, told to follow instructions. They contended that they could not and should not be disciplined for literally following instructions issued by members of supervision.

Employees are expected and required to carry out directions of supervision. That is the general rule, and the employees were well aware of that rule. There are exceptions to that rule, however. One exception would be applicable under the set of facts that existed on the morning of October 25, 1982. It is unreasonable for the grievants in this case to argue or contend that they were literally following directions of supervision by waiting for a bus to arrive for some six hours without making

constituted an act of misconduct so gross in nature as to justify the imposition of a penalty of a one-day suspension from employment. All three employees were accordingly suspended for one day. Givens did not elect to file a grievance. Ramirez filed Grievance No. 4-P-35. Rodriguez filed Grievance No. 4-P-36. Both grievants contended that the discipline statement and the one-day suspension which had been imposed against each of the grievants was "unwarranted in light of the circumstances." The grievants requested that the disciplinary letter be removed from their respective files. Both grievants requested that they be paid all moneys lost as a result of the improper suspension imposed against each of them.

The grievances were denied and were thereafter processed through the remaining steps of the grievance procedure. The issues arising therefrom became the subject matter of this arbitration proceeding.

#### DISCUSSION

The grievants were charged with a violation of the following plant rule:

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

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"n. Wanton or willful neglect or carelessness in the performance of duties assigned or in the care or use of Company property."

The Company contended that the failure of the grievants to make inquiry from any member of departmental supervision or from any member of supervision located in an office a short distance from where the grievants waited for the bus, constituted wanton and willful neglect in the performance of their duties.

The Company contended that any employee who had worked for the Company for as many years as had Rodriguez and Ramirez should have known that they could not wait at a bus stop for approximately six hours for a bus that did not appear. The Company

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The grievances are hereby sustained. Proper cause did not exist for the suspensions imposed against Ignacia Rodriguez and Mario Ramirez. The suspensions should be set aside and the grievants should be compensated for the time lost from work as a result thereof.

Burt L. Luskin  
ARBITRATOR

August 17, 1983



CHRONOLOGY

Grievance Nos. 4-P-35 and 4-P-36

Grievances filed	December 22, 1982
Step 3 hearing	March 15, 1983
Step 3 minutes	April 18, 1983
Step 4 appeal	April 26, 1983
Step 4 hearings	May 5, 1983 June 6, 1983
Step 4 minutes	August 1, 1983
Appeal to Arbitration	August 1, 1983
Arbitration hearing	August 9, 1983
Award issued	August 17, 1983