Award No. 779
OPINION AND AWARD
In the Matter of Arbitration Between
INLAND STEEL COMPANY
and
UNITED STEELWORKERS OF AMERICA
LOCAL UNION 1010
Grievance No. 21-R-63
Appeal No. 1390
Arbitrator: Herbert Fishgold
February 15, 1988
Appearances:
For the Company
R.V. Cayia, Arbitration Coordinator, Union Relations
C. Barriball, Section Manger, Quality Services
A. Bowman, Supervisor Metallurgical, No. 3 Cold Strip Finished Products
L. Copus, Resident Industrial Engineer, No. 3 Cold Strip Mill
D. Hesterman, Staff Industrial Engineer, Industrial Engineering Services
L. Labash, Senior Analyst, Distribution Services, Operations Planning
J. Perham, Resident Industrial Engineer, No. 1 & 2 Cold Strip and Coil Processing
M. Stariha, Section Manger Metallurgical, No. 3 Cold Strip Finished Products
G. Marlowe, Supervisor, No. 3 Cold Strip Mill Finished Products
P. Bitlet, Section Manager Finishing, No. 1 & 2 Cold Strip
F. Paulauski, Metallurgical Test Supervisor, No. 1 & 2 Cold Strip
R. Goggin, See Manager, customer Technical Interaction, Quality Department
For the Union
W. Trella, Staff Representative
Assilene E. Long, Witness
Eugene Zagrocki, Witness
Angela E. Tucker, Witness
Blossom B. Brewer, Witness
Pauline Calloway, Witness
Levi Leige, Witness
Q.Z. Smith, Witness
Ray Skwirtz, Witness
Charles Archibald, Witness
Al Mosely, Witness
Statement of the Grievance: The deletion of Cold Strip Testers and Coil Processing Testers is unjust and unwarranted.
Relief sought: * Immediately reinstate Cold Strip Testers and Coil Processing Testers to their jobs and pay all monies lost.
Contract Provisions cited: * The Union cites the Company with alleged violations of Article 2, Section 2; Article 3, Section 1; Article 10, Section 7 and Article 13, Sections 1, 3, 4, 6 and 14 of the Collective Bargaining Agreement. (At the Step 3 hearing, the Union deleted its alleged violation of Article 10, Section 7.)
Statement of the Award: * The Grievance is Denied.
CHRONOLOGY
Grievance No. 21-R-63
Grievance filed: January 30, 1985
Step 3 hearing: March 6, 1985
Step 3 minutes: June 7, 1985
Step 4 appeal: June 21, 1985
Step 4 hearing(s): August 19, 1985;
September 5, 1985; November 14, 1986; May 15, 1987; October 8, 1987
Step 4 minutes: October 8, 1987
Appeal to Arbitration: October 23, 1987

Arbitration hearing: October 27, 1987
Closing argument received: December 11, 1987
Award issued: February 15, 1988

BACKGROUND

As of December 2, 1984, the Company deleted Testers assigned to the Number 1 and Number 2 Cold Strip Mill, Coil Processing Department, and No. 3 Cold Strip Mill on the grounds that the duties were reduced or eliminated. The specific tasks which were reduced or eliminated will be discussed in detail below.

The issue in this case is whether the Company's deletion of the Tester assignments at the mill locations in the instant case was proper under Article 2, Section 2, and Article 3, Section 1 of the Collective Bargaining Agreement.

The Union argues that the Company has failed to justify its alleged deletion of certain Tester assignments. First, according to the Union, Tester duties were not eliminated; rather, Testers were laid off and recalled as Metallographists, and are now performing the same tests on the same units they work on as Testers. In addition, according to the Union, the primary tester functions are being performed by other employees and tests are being run on a delayed or overtime basis.

On the other hand, the Company argues that it was justified in eliminating the Tester assignments because of the significant reduction which occurred in the Tester workload. Moreover, the Company claims that the duties which remained after the elimination of the Tester were both minimal in amount and residual in nature and, therefore, the redistribution of the duties does not violate the Collective Bargaining Agreement.

Nos. 27, 28, and 29 Temper Mills (No. 3 Cold Strip)

A. Bowman testified about the Tester duties at the No. 3 Cold Strip units (Company Exhibit 25). Bowman, who has 22 years' experience in the Metallurgical Department, had previously worked as a Tester for ten to twelve years, and also worked as a Metallographist for several years.

With respect to duties number one and two, Bowman explained that the automated data bank recordkeeping system installed in December, 1984 combined the mill and test line-up data, which eliminated the need for Testers to identify the coils to be tested.

Duty number three, which relates to the method of securing test pieces, is a function that operating employees have always performed. Coilers at Nos. 27 and 29 Temper Mills and the Assistant Roller at No. 28 Temper Mill have always cut full width test pieces. Punching the disk or coupon sample from the latter test piece is a former Tester duty that is now performed by the Mill Inspector. In addition, identifying the samples by writing various information on the sample has also been assumed by the Mill Inspector. Bowman testified that the assumption of these duties by the Inspector is very minimal and provides the Inspector with helpful information. According to Company Exhibit 31, even when the Tester performed these functions, the task of securing samples only involved 1.8% to 2.2% of the total workload.

Duty number five includes all of the tasks associated with Rockwell Hardness testing. This duty is now performed exclusively by the Metallographist rather than by the Tester. According to the evidence, the frequency of Rockwell testing has been significantly reduced, and previously such testing was in the Metallographist's job description, and, in fact, overlapped with the duties of the Tester.

Company Exhibit 35, prepared by Industrial Engineer L. Copus, and based upon actual turn reports of tests conducted, clearly indicates the reduction in Rockwell testing, both in terms of testing hours per month and tests per turn, that has occurred at Nos. 27, 28, and 29 Temper Mills. On the other hand, Union witness, P. Calloway, testified that there has been no reduction in Rockwell testing at No. 3 Cold Strip. However, Ms. Calloway's opinion was only supported by documentary evidence, which consisted of a few turn reports showing the number of tests conducted. In fact, it was established on cross-examination that Rockwell tests were being run for customers that did not request or require such tests, as indicated by the Management (See, Union Exhibit 25).

The Union argued that the frequency of testing has not decreased at the No. 29 Temper Mill. According to Company Exhibit 35, there was a slight increase in testing done at No. 29 Temper Mill when comparing January, 1987 with January, 1985. However, when comparing January, 1987 with January, 1984, when the Tester occupation still existed, there was a significant reduction in Rockwell tests at No. 29 Temper Mill. In addition, C. Barriball, Quality Services Section Manager, and one of the individuals responsible for implementing the elimination of the Tester assignment in December of 1984, confirmed the reduction in testing demands. In that regard, Barriball explained Company Exhibit 51, which shows the test demand by product type before and after the Tester elimination for the various cold rolled products that are processed on the No. 3 Cold Strip Temper Mills.

Exhibit 51 covers No. 29 Temper Mill, located on the East side of No. 3 Cold Strip and Nos. 27 and 28 Temper Mill, located on the West side of No. 3 Cold Strip. The Exhibit shows the changes in testing demands for Rockwell Hardness, as well as tensile tests before and after the elimination of the Tester job for the various products processed on these temper mills. The percentages of temper mills (T.M.) tons covered by the product categories listed on Exhibit 51 are as follows:

Date	27 T.M.	28 T.M.	29 T.M.
Jan. '84	70.2%	39.0%	90.1%
Jan. '85	87.2%	40.4%	86.4%
Jan. '87	92.8%	34.2%	86.8%

According to the above, with the exception of No. 28 Temper Mill, the vast majority of product tons processed on these units are impacted by the change in testing demand. Barriball explained that No. 28 Temper Mill is a special case since cold rolled motor lamination steel comprises approximately 40% of the product mix processed on that line. Motor lamination steel is also commonly referred to as electrical steel, and is used in electric motors and transformers. This type of steel is only subject to core loss and Rockwell Hardness testing. Laminations are pieces of sheet steel that are cut by the customer to specific sizes and stacked to form cores of motors and transformers. Steel cores enhance the magnetic field created when electric current passes through the copper winding and those magnetic forces actually drive the electrical device.

Core loss testing then is designed to determine the amount of wasted energy dissipated as heat that, in addition to decreasing efficiency, could damage materials insulating the magnetic core from the device's electrical circuitry. Core loss testing also involves checking the permeability of the steel. Permeability is how easily a material can be magnetized. Core loss testing is not a former Tester responsibility at issue in this case. Preparation of the core loss pieces was always the exclusive responsibility of the Metallographist job, and the actual core loss testing was the responsibility of the General Metallographist job.

With respect to Rockwell tests conducted on motor lamination steels, Metallurgical Section Manager, M. Stariha, testified that both the Tester and the Metallographist conducted a Rockwell test on the same test piece. The Company eliminated this duplication and now Rockwell tests on motor lamination steel are done exclusively by the Metallographist.

In addition, Barriball noted that for many of the products shown on Exhibit 51, there are no Rockwell tests conducted if the steel is going to a rewind unit for further processing. Barriball also explained that the current testing requirements for shipped steel include reduced testing demands in a number of product lines, because the current demand is for entry coil testing, which means a single entry coil, whereas exit coil testing will result in several tests because the coil will be partitioned into several coils, all of which will be tested upon exiting the unit.

Barriball also compared Company Exhibit 51 with Exhibit 50 in order to show the higher percentage of products going to rewind units than for shipped steel. As indicated by Company Exhibit 50, the year-to-date percentages of shipped steel were 34% at No. 27 Temper Mill, 29% at No. 28 Temper Mill, and 29% at No. 29 Temper Mill. The remaining portion of the products processed on these Temper Mills went to rewind units, and therefore, was not subject to Rockwell testing (See, Company Exhibit 51). In addition, for other products shown on Company Exhibit 51, such as HF40, HF50, and HF60, Rockwell testing was totally eliminated when the Tester job was discontinued and the Company, thereupon, placed a greater emphasis on tensile tests, which were never the responsibility of the Tester job.

Bowman further testified that duty number six, calibration of the Rockwell machine, was a function that was shared by the Tester, Metallographist, and Metallurgical Supervisor. Moreover, Bowman's unrebutted testimony was that this task was also minimal, taking 20-25 seconds to perform, and only done once a turn on average.

With respect to duty number seven, Bowman explained that the Tester was previously responsible for recording the coil identification number and/or the sequence number on the extensometer chart at each Temper Mill unit. In addition, the Mill Inspector at each unit was responsible for reading and maintaining the X-Ray gauge chart. The Company merged the extensometer and the X-Ray charts to form a common chart at No. 27 and No. 29 Temper Mills, which was then located at the Inspector's work station. With this merger, the Company assigned the Inspector the responsibility of recording the coil identification number and/or sequence number on the common chart. At No. 28 Temper Mill, these charts will be merged in the near future to form a common chart. These reduced the workload of the Tester job, because the walking component associated with this task (Company Exhibit 31) was significantly reduced, if not eliminated, when the charts were merged and relocated to the Inspector's work station.

With regard to duty number eight, Bowman explained that the Tester recorded the elongation and other miscellaneous information on a turn report (Company Exhibit 27). Bowman also testified that there was duplication between the Mill Inspector and the Tester, because the Mill Inspector recorded some of the same information recorded by the Tester on the Inspector's turn report (Company Exhibit 28). In December, 1984, the Company introduced a new report (Company Exhibit 29) at all Temper Mill locations, which eliminated this duplication and made the Mill Inspector responsible for recording the elongation data and the other miscellaneous information on this new turn report.

The Union argued that Company Exhibit 29 contained a revision date of May, 1985, and suggested that this was an after the fact "changed condition." However, No. 3 Cold Strip Turn Supervisor, G. Marlowe, testified that the May, 1985 revision of Company Exhibit 29 only resulted in an increased number of lines to record the information. Marlowe's testimony is supported by Union Exhibit 11, which contains examples of the new Inspector's reports. The dates of these reports actually preceded the Tester elimination, and are identical to Company Exhibit 29, except for the fact that Exhibit 29 has more space to record the relevant information.

In terms of duty number nine, Bowman stated that spark testing was not done at the Temper Mill units at No. 3 Cold Strip Mill.

With respect to duty number ten, Bowman testified that performing surface texture tests and recording the results was another former Tester duty at the No. 3 Cold Strip Temper Mill units. Company Exhibit 35 indicates a reduction in surface tests on both an hours per month and test per turn basis. Bowman testified that this reduction resulted from the Company's use of a new type of chrome-plated roll which lasted longer than the prior rolls, and improved the quality of the steel, which, in turn, allowed for less frequent testing of surface quality.

On the other hand, the Union argued that there has not been a reduction in surface tests at No. 3 Cold Strip. This argument was supported by the testimony of two witnesses, P. Calloway and A. Long. However, the Union did not present any documentary evidence to support the testimony which contradicted Company Exhibit 35. Moreover, Company Exhibit 52, which was a turn report completed by Ms. Long while working as an Inspector on No. 29 Temper Mill, contradicted Ms. Long's own testimony. Mr. Marlowe pointed out that the report shows that "E-dull" was the product being run, and that the highlighted portions of the report show the frequency of surface tests conducted, which was not on every coil, as Ms. Long had stated.

The reduction in this portion of the Tester's workload prompted the Company to reassign this function to the Mill Inspector position. The reassignment was also supported by another changed condition - the introduction of a portable profilometer to conduct surface tests at No. 29 Temper Mill. Portable profilometers have also been purchased and will soon be in use at Nos. 27 and 28 Temper Mills. However, at these latter two units, there was also another changed condition because of the relocation of the Bendix stationary profilometers to the Inspector's work station. This change eliminated or greatly reduced the walking component of the Tester's workload. Use of a portable profilometer also reduces the workload, because the new devices take surface measurements more quickly than the Bendix and provide the Inspector with immediate readouts. The Company reassigned this residual duty to the Mill Inspector. The Inspector has responsibility for inspecting surface condition of the steel. (See Company Exhibit 5, primary function and item b.) Moreover, the portable profilometer is a new tool for the Inspector which Testers had never previously operated.

Bowman testified that duty number 11, performing Olsen Ductility tests and recording the results, was a former Tester duty that had already been totally eliminated before December, 1984, and therefore is not part of the instant arbitration.

Bowman also testified that in terms of duty number 12, the Tester had a role in a multiple-step decision making process with respect to steel that was off-standard. However, the Company eliminated the first hold placed on off-standard steel by the Tester and consolidated this function with the remaining participants in the decision making process, the Metallographist, Assistant Metallurgist, and the Metallurgical Supervisor. The Union argues that the new system has caused problems of delays in the receipt of testing results and has increased the potential for off-standard steel being moved elsewhere in the mill, and, in some cases, being shipped to the customer. However, Company Exhibits 44 and 46 clearly show that the Company's quality performance in the market is the best ever. In addition, on cross-examination, Union witness P. Calloway admitted that steel being shipped to customers prior to receipt of test results could always occur because the customer may not have required test information.

Company Exhibits 32, 33, and 34 reflect the impact that all of the above changed conditions had on the workload of the Tester. At No. 27 Tester Mill (Company Exhibit 32), the Tester's workload was reduced to 13.4%, or approximately 64 minutes of work per turn. At No. 28 Temper Mill (Company Exhibit 33), these changes reduced the Tester's workload to 8.1%, or approximately 72 minutes of work per turn. At No. Temper Mill, the Tester's workload was reduced to 14.9%, or approximately 72 minutes of work per turn. Given these workload reductions, the Company maintains that it was justified in eliminating the Tester assignment at Nos. 27, 28, and 29 Temper Mills, and in reassigning the residual duties to other occupations.

Nos. 22, 23, and 24 Temper Mills (No. 1 and 2 Cold Strip)

F. Paulauski testified regarding the former Tester duties at the above mill locations (Company Exhibit 25). Paulauski previously worked as both a Tester and a Metallographist, and has 39 years of experience in the Metallurgical Department.

Paulauski testified that the automated data bank record-keeping system, which combined mill and test line-up data, was also installed at Nos. 22, 23, and 24 Temper Mills and eliminated Tester duties one and two on Company Exhibit 25.

Duty number three was the task of securing test pieces and was a joint responsibility of the Tester, who cut half-moon samples, and the Coiler, who cut full-width samples. P. Butler, Section Manager, Finishing, No. 1 and 2 Cold Strip Mill, testified that half-moon samples were virtually eliminated when the Tester assignment was discontinued, and that Coilers are now securing all test pieces, which are almost exclusively full-width samples. Butler also testified that, as to duty number four, the Mill Inspector is now performing the minimal Tester duty of identifying test sample pieces by recording various information on the sample piece, a duty which is consistent with the Inspector's other job responsibilities.

Paulauski stated that, with respect to duty number five, Testers were previously responsible for duties associated with Rockwell testing. Similar to No. 3 Cold Strip, testing frequencies were also reduced at Nos. 22, 23, and 24 Temper Mills. Company Exhibits 38 and 39 demonstrate the reduction in Rockwell tests at these Temper Mills in terms of total number, tests per turn, and minutes per turn. Industrial Engineer, J. Perham, who prepared the information in Exhibits 38 and 39, testified that he acquired the information by counting the tests conducted on the actual turn reports for the relevant periods of time. Finally, the Company maintained that Metallographists also had responsibility for performing Rockwell tests.

Duty number six involved verifying the calibration of the Rockwell machine. According to Paulauski, this duty was a responsibility shared by the Tester, Metallographist, and Metallurgical Supervisor. Similar to the No. 3 Cold Strip Mill Temper Mill units, the Company consolidated responsibility for this function with the Metallographist and the Metallurgical Supervisor.

Duty number seven involved recording information on the extensometer chart. Butler stated that at No. 24 Temper Mill, the Company merged the extensometer chart with the Inspector's X-Ray chart to form a common chart. The Inspector was then assigned the responsibility of maintaining the common chart and recording minimal information on the chart, which had previously been done by the Tester. At No. 22 Temper Mill, there is an extensometer chart, but the Tester assignment was eliminated when the chart was relocated to the Inspector's work station and the Inspector was given the assignment of recording the information.

Paulauski and Butler also testified that with respect to duty number eight, there was a duplication of information recorded on the Tester's report and the Inspector's report similar to No. 3 Cold Strip. Butler also stated that the Company introduced a new combined report at all Nos. 1 and 2 Cold Strip Temper Mill locations which eliminated this duplication. In addition, the Inspector was assigned the task of recording elongation.

Spark testing, duty number nine, was a former Tester duty at Nos. 22, 23, and 24 Temper Mills which had already been eliminated by December, 1984, and is therefore not a subject of this arbitration.

Paulauski testified that duty number ten, performing surface texture tests and recording the results, was also a former Tester duty. According to Company Exhibits 38 and 39, there was a reduction in surface tests in terms of total test numbers, tests per turn, and minutes spent on surface tests per turn. Moreover, Union witness Q.Z. Smith confirmed that he has not been conducting surface tests on Nos. 22 and 24 Temper Mills. Finally, the Company argues that this reassignment was also supported by the introduction of portable profilometers at these Temper Mills.

Company Exhibits 36 and 37 illustrate the impact of the above changed conditions on the Tester's workload at Nos. 22, 23, and 24 Temper Mills. Comparing the Tester's workload in January, 1984 with the January 1987 data, the Tester's workload decreased from approximately 26% to approximately 5%, which represents about 23 minutes per turn of work. In light of this significant reduction, the Company maintains

that it was proper for the Company to redistribute the small amount of the residual Tester assignments to other occupations.

No. 7 Mill and No. 2 Continuous Anneal Line (Coil Processing Department)

One Tester had previously been assigned to cover both No. 7 Mill and No. 2 Continuous Anneal Line at the same time. Company Exhibit No. 40 identified the former Tester duties at these units and the changed conditions which affected these duties.

Paulauski testified that the test retrieval function, duty number one, was totally eliminated at No. 7 Mill when the Company eliminated Rockwell testing at this unit in December, 1984 (See, duty number three on Exhibit 40). Rockwell testing and the other tasks associated with that function had previously been a significant Tester responsibility at No. 7 Mill (See, Company Exhibit 38).

Paulauski also testified that performing Olsen Ductility tests and recording the results was also a former Tester duty that had been eliminated at No. 7 Mill by December, 1984. The Company eliminated Rockwell and Olsen testing because the test information was determined to be less useful that it had been in the past.

Duty number four required performing surface texture tests and recording the results. According to Company Exhibits 38 and 39, there has been a significant reduction in total surface tests conducted, tests per turn, and test minutes per turn before and after the elimination of the Tester.

Butler testified that the Roller is now responsible for performing surface tests at No. 7 Mill and the Roller Helper is responsible for recording the test results. Butler stated that the redistribution of these duties was consistent with the job responsibilities of the Roller and the Roller Helper. According to Butler, the Roller has always had the ultimate responsibility for the surface quality of the product produced on No. 7 Mill and he can now reinforce his visual inspection of the surface condition with the results indicated by the profilometer. Moreover, the Roller Helper assumed the duty of recording the surface test results because that job has always been responsible for recording information on the material processed on the mill, and this new responsibility represents a small addition to the Roller Helper's turn report. Due to the reduction which occurred in the frequency of surface tests, the Company reassigned these "residual" duties to the Roller and the Roller Helper.

As to the No. 2 Continuous Anneal Line, Paulauski explained that the only Tester duties performed at this unit were trimming the test sample cut by the Coiler, checking the gauge of the sample piece, conducting Rockwell tests and recording the results. Paulauski testified that after the elimination of the Tester, these duties were reassigned to the Metallographist. According to both Company and Union witnesses, this had never been a function over which Testers had exclusive jurisdiction. Moreover, Paulauski testified that the Tester had previously trimmed three coupons per coil and conducted three Rockwell tests on each coupon, whereas the Metallographist now only trims one coupon and conducts three Rockwell tests on the single coupon.

Butler testified that the Coiler assigned to the No. 2 Continuous Anneal Line conducts three Rockwell tests on the same coupon that the Metallographists use for Rockwell testing. However, Butler explained that the Coiler is conducting Rockwell tests for a different purpose than the Metallographist. The Metallographist's test results are retained in the event of customer complaints, but the Coiler uses the results to determine the operating parameters of the line, such as proper heat treatment practices and line speed. The Company acknowledged that because of this procedure, there has been an increase in Rockwell tests performed at No. 2 Continuous Anneal Line since the elimination of the Tester (See, Company Exhibit 30).

The Union claims that the increase in the number of tests conducted is significant. However, although the Company acknowledges the increase, the Company argues that the entire cycle of duties associated with Rockwell testing takes less than a minute per test coupon. Moreover, when one considers the effect of Rockwell testing on the Coiler's workload, which the Company claims to be the proper analysis, this workload increased only 4.8% when documented in January, 1985, and 6.8% when it was documented in January, 1987 (See, Company Exhibit 37). The latter figure represents an approximate increase of 33 minutes of work per turn. Butler also stated that with the future installation of Ircon pyrometers at No. 2 Continuous Anneal Line, the need to conduct any Rockwell tests at this unit will be virtually eliminated.

Notwithstanding the increase in Rockwell testing at No. 2 Continuous Anneal Line, the Company contends that the total impact of the changes by the Company at that unit and No. 7 Mill, which together represent a single Tester assignment, justifies the elimination of that occupation. Company Exhibit 37 illustrates the impact of all the changed conditions which occurred at No. 7 Mill and No. 2 Continuous Anneal Line. This exhibit shows that the Tester's workload was reduced from 30.3% to 9.8% as of January, 1985, or 13.2% according to January, 1987 estimates. The latter figure represents about 63 minutes of work per shift, that the Company redistributed to other occupations. The Company claims that the Tester duties at the No. 2

Continuous Anneal Line amounted to only 33 minutes of work per turn. In light of the residual amount of work involved, the Company argues that it did not violate the Collective Bargaining Agreement by eliminating the Tester involvement at this location.

No. 1 Continuous Anneal Life (Coil Processing Department)

Paulauski testified concerning former Tester duties at the No. 1 Continuous Anneal Line (Company Exhibit 41). Paulauski explained that the Tester recorded the coil number, welds and line stops on the coil temperature charts. These tasks were reassigned to the Line Operator, because the Line Operator already had to be aware of this information in order to properly perform his job. Moreover, the Line Operator's assumption of recording information was a minor residual duty.

With respect to duty number one, the Tester previously checked and recorded the water flow rate, water pressure and line speed. The recording of this information was eliminated because, from a Metallurgical standpoint, this information was not useful. The monitoring of these items was shared by the Tester and the Line Operator. Butler testified that the Line Operator has always been responsible for monitoring water flow rates, water pressure, and line speed, and, therefore, the Tester's performance of these monitoring functions represented unnecessary duplication.

With respect to duty number three, Paulauski testified that the Tester was responsible for trimming a test piece cut by operating personnel to a 12" by 12" tensile sample piece, identifying the piece with various information, conducting a Rockwell test on the sample, recording the results, packaging the tensile sample pieces and preparing a test lineup report to accompany the package of samples. Paulauski stated that the Company totally eliminated Rockwell testing at this unit in December, 1984, when the Tester was eliminated. The only remaining duties were the identification of the test pieces, which has been assumed by the Coiler; and trimming the samples to 12" by 12" tensile size, packaging the samples and preparing the test lineup report, which are now performed by the Metallographist. The Coiler identified the test pieces because the Coiler had always recorded the coil and order number on his turn report. According to Company Exhibits 36, 38, and 39, Rockwell testing and its companion duties represented the primary function of the Tester assignment at the No. 1 Continuous Anneal Line. The Company eliminated the primary function when it eliminated Rockwell testing at this mill location, and assigned the other duties to the Line Operator, Coiler, and Metallographist.

Industrial Engineer, J. Perham, stated that this redistribution of duties resulted in a workload increase of approximately five minutes per turn for the Line Operator and Coiler, and approximately forty-five minutes per turn for the Metallographist. In light of the residual amount of work involved, the Company argues that it was proper to redistribute the duties to the Line Operator, Coiler, and Metallographist.

FINDINGS

As discussed above, as a result of a combination of changes in the type of equipment utilized, the relocation of certain equipment, and the elimination and/or reduction in the volume and types of tests to be conducted, the Company decided to eliminate the position of Tester in the Nos. 1, 2, and 3 Cold Strips (Nos. 22, 23, 24, 27, 28, and 29 Temper Mills), the No. 7 Mill and the No. 1 and 2 Continuous Annealing Lines Mill, and the No. 1 (Coil Processing Department).

The primary function of the Tester, as derived from the job description and the evidence adduced at the hearing, was to control steel quality by various tests, such as the Rockwell Hardness, surface texture, and Olsen Ductibility, and recording of certain information related to the operating lines, all as part of a screen-out process. It is clear from the record that as of December, 1984, the Company either eliminated or significantly reduced the amount of Rockwell Hardness testing in the affected Cold Strips and Coil Processing Department; entirely eliminated other tests, such as the Olsen test (prior to December, 1984) and Spark testing (which Testers never performed); and combined various reporting charts as a result of improved and/or relocated equipment.

In particular, Rockwell testing was significantly reduced in the Nos. 1, 2, and 3 Cold Strips, and eliminated entirely in the No. 7 Mill and Nos. 1 and 2 Continuous Anneal Lines. Likewise, the volume of surface texture tests was significantly reduced in these respective Mills and Department. As will be discussed infra., in many instances those tests previously performed by the Testers were either duplicative in nature or part of a shared jurisdiction with those performed by other bargaining unit employees on the operating lines.

In this regard, it is important to note that the Tester's duties were the equivalent of inspection work, and they did not have either accountability or responsibility for the product. Arbitration cases have uniformly held that the question of how much inspection, both as to frequency and volume, is required, is one for Management to decide. E.g., USS-8162 (Dybeck/Garrett, 1971) held that the Company could eliminate a

check provided by an Inspector and rely solely on observation and quality checks always made by operating crews. See also Bethlehem Award No. 3182 (Valtin, 1985), wherein it was held that Management was free to cut back on the extent of chemical testing of a product. Thus, to the extent this grievance relies on inspection functions being performed by other bargaining unit employees, it must be denied. USS-15,281 (Simpkins/Dybeck, 1979).

Notwithstanding the above, the Union argues that virtually all of the functions performed by the Tester remain, and merely have been transferred to other positions; that the equipment introduced by the Company (Extensometers and Portable Profilometers) did not eliminate these functions; and that many of the duties of the Tester were transferred or assigned to positions in other seniority units: Coilers, Rollers, Assistant Rollers, Mechanical Inspector, and Line Operator.

On its part, the Company submits that the duties which remained after the elimination of the Tester position were minimal and residual in nature. Moreover, they involved testing or reporting functions which fall within the operating personnel's range of duties and responsibilities regarding actual production and/or product quality accountability. Finally, the Company argues that, pursuant to established arbitral principles in the steel industry, the manner in which these duties were redistributed was not in violation of the Agreement.

In the first instance, many of these residual duties, particularly in the area of testing, were retained in the Tester's seniority unit, and reassigned to the Metallographist position. It is clear from the record, including the job description, that the Metallographist's primary function is the control of steel quality by metallographical and physical tests, including hardness tests, recording test information, and obtaining test samples (coils and sheets). Thus, both the Tester and the Metallographist job overlap in the area of testing. As one Union witness put it, the only difference, prior to December, 1984, was the location or identity of the mill unit where the testing was performed; the Tester did not have exclusive jurisdiction over these functions. Indeed, prior to December, 1984, the Metallographist did Rockwell tests, surface tests, gauge, cut samples, and collected samples in No. 2 and 3 Cold Strip and No. 1 and 2 Continuous Anneal Lines. To a great degree, the elimination of the Tester in this regard was to eliminate duplication of functions already shared with the Metallographist.

The Union argues that the Company merely replaced Testers with Metallographists who are performing Tester work, and that because of the abundance of this former Tester work, Metallographists are working a significant amount of overtime. The record indicates, however, that the Metallographist's workload increased by no more than 30 minutes in all mill locations at issue, except in the No. 1 Continuous Anneal Line, where it increased by 45 minutes. Moreover, Metallurgical Section Manager, M. Stariha, testified as to four factors which have caused the increase in the number of Metallographists scheduled over the past year, many of whom were former Testers. First, there were three retirements during that period. Second, four new Metallographist positions were created at the No. 3 Continuous Anneal Line in the Spring of 1987. Third, the Company had increased the amount of training because of retirements and promotions. In these training situations, which typically last three weeks, two employees, a trainer and a trainee are on the schedule for each training situation. Fourth, there has been a significant increase in core loss testing over the last year. As an indication of this increase, Stariha testified that in April, 1987, 1757 core loss tests were conducted, and, in August, 1987, 2390 core loss tests were conducted. The level of core loss testing is directly related to the amount of motor lamination or electrical steel that the Company sells. This is particularly true in No. 28 Temper Mill, where cold rolled motor lamination steel comprises 40% of the product mixed on that line. Stariha stated that he currently has fifteen temporary employees in the sequence preparing core loss samples. The Company has been paying these temporary employees the Tester rate, rather than the Metallographist rate, because that is the only function they are performing. Moreover, as both Company and Union witnesses testified, preparation of core loss samples is not a former Tester duty. Rather, both the preparation of the samples and the actual testing fell under the Metallographist's jurisdiction.

The Company also presented Exhibit 48, which shows the number of Testers and Metallographists working since 1984. This exhibit indicates that the number of Metallographists and Testers remained virtually the same in 1985 and 1986, and that the number of Metallographists during this time only slightly exceeded the number working prior to the elimination of the Tester. The number of Testers working since 1985 represents the Testers assigned to No. 5 Galvanize Line, where the Tester occupation still exists. The number of Metallographists only started to increase in 1987. However, even if one compares the 1987 manning levels with the 1984 manning levels, the Company is using ten less Metallographists and Testers

at the current time. The evidence presented supports the Company's position that the workforce has increased only recently and for reasons totally unrelated to the Tester.

The Arbitrator turns next to duties reassigned to occupations outside the Tester's seniority unit, e.g., the Mechanical Inspector, the Roller, Assistant Roller, Line Operator and Coiler. Arbitration awards have addressed the question of what is a minimum and residual duty for purposes of deciding whether work has been appropriately redistributed across seniority unit lines. See, e.g., USS-8162 (Dybeck/Garrett, 1971); Bethlehem Decision No. 2880 (Sharnoff/Strongin, 1981); Inland Award No. 758 (McDermott) [Arbitration decisions have approved the assigning from one seniority unit to another of trivial, minor, and inconsequential elements of work].

In Inland Award No. 758, relied upon by the Union herein, 20% of the work constituting the primary function of the occupation eliminated was reassigned where there was no rational relationship between the duty transferred and the occupation which assumed the duty.

Herein, as will be seen below, all of the duties reassigned were related to the job performance responsibilities of the reassigned occupations, and did not sufficiently increase their workloads as to remove them from the allowable parameters. Thus, the Mechanical Inspector, who now fills in the elongation information, the merged X-Ray gauge and extensometer charts, and performs the surface texture tests using the portable profilometer in the No. 3 Cold Strip, has the primary function of making final size, gauge and surface inspections of strips, coils, and sheets on assigned units in the No. 3 Cold Strip. The reassigned duties take less than one hour at any unit in question.

The Coiler, who now soley secures the test pieces in Nos. 1, 2, and 3 Cold Strip, and identifies the test pieces in the No. 1 Continuous Anneal Line, has the primary function of inspecting strips for mill defects. These reassigned duties take only 5-10 minutes per turn. There has been an increase in the number of Rockwell tests performed by the Coiler at the No. 2 Continuous Anneal Line, but that is because the Coiler is performing tests to determine operating parameters of the the line, which is a totally different purpose than what the Tester and the Metallographist did and do. In any event, this has only resulted in an increase of 30 minutes per turn in the Coiler's workload.

The Roller and Roller Helper, who now do surface texture tests and record test results in the No. 7 Mill, and secure test pieces in No. 28 Temper Mill, have the primary function of obtaining desired gauge, flatness, surface and physical properties by inspection and looking for surface defects. The reassigned duties combine physical and visual inspection, and have increased their workload by approximately 3-5 minutes per turn.

Finally, the Line Operator, who now records the water flow rates, line speed, and water pressure in No. 1 Continuous Anneal Line, has the responsibility for maintaining line speeds, water temperatures and flows. The reassigned duties have increased the Line Operator's workload by about 5 minutes per turn.

As can be seen, many of the "reassigned" duties were already similar to or a part of the duties required of the other described and classified jobs in the other units. Specifically, this case represents the reassignment of the type of testing, inspecting, and recording duties to the operating line jobs ultimately responsible for the quality of the product. This is clearly within the recognized appropriate basis for reassignment of certain duties across seniority unit lines. See, e.g., Bethlehem Decision No. 2880, supra, p. 7.

Contrary to the Union's allegation, the record fails to indicate that there has been any negative impact on productivity attributed to the Tester elimination or redistribution of residual duties. Likewise, the infrequent performance of Rockwell tests and surface texture tests by supervisors in the various mills for demonstrational, verification, and troubleshooting reasons is totally appropriate and not in violation of the Agreement. See, e.g., Republic Steel Decision No. L-32 (Luskin, 1963).

Accordingly, for the reasons stated above, the Company elimination of the Tester assignments in December, 1984, and redistribution of the remaining residual duties did not violate the Collective Bargaining Agreement.

AWARD

The Grievance is denied.

/s/ Herbert Fishgold

HERBERT FISHGOLD

Washington, D.C.

February 15, 1988