

Award No. 844
IN THE MATTER OF THE ARBITRATION BETWEEN
INLAND STEEL COMPANY

and

UNITED STEELWORKERS OF AMERICA
LOCAL UNION 1010

Grievance No. 14-JCR-7

Appeal No. 1455

Arbitrator: Terry A. Bethel

September 4, 1991

OPINION AND AWARD

Introduction

This is a base rate case concerning the proper classification of the pit craneman in the no. 4 slabbing mill. The case was submitted to me for arbitration pursuant to a stipulation dated December 30, 1990. Although the stipulation contested the pit craneman's job classification factor in seven areas, the evidence at the hearing was confined to five factors, as will be more fully set forth below.

The hearing took place in the company offices on April 10 and 11, 1991. The company was represented by its attorney, Arthur B. Smith. Jim Robinson, arbitration coordinator, presented the union's case. Both sides filed pre-hearing briefs, as well as numerous exhibits. In addition, I viewed the pit craneman's job following the hearing on April 11, and I viewed two cranemen working in other areas of the mill on April 12.

Appearances

For the company:

Arthur Smith -- Counsel

Tim Kinach -- Section Manager, Union Relations

William Krill -- Wage Analyst

George Jerome -- Section Manager, No. 4 Slabbing Mill

Bill Hoppe -- Day Supvr. No. 4 Slabbing Mill

Laura Kocel -- Rep., Union Relations

Bob Cayia -- Section Mgr., Union Relations

Brad Smith -- Project Rep., Union Relations

For the union:

Jim Robinson

Larry Kruchowski

Robert Kralek

John Peter

Nicholas Karin

Jose Cisneros

Jim McDuffie

Joe Gutierrez

Alexander Jacque

Background

As noted, this is a base rate case in which the issue is confined to the job description and classification of the pit craneman in no. 4 slabbing mill. Because this is the first base rate case between these parties in almost 30 years, it is useful to detail a few ground rules. First, and most basic, I am not being asked to determine whether the original coding of the pit craneman classification was in error. To the contrary, the working assumption is that all jobs are coded correctly. The issue before me arises as a result of changes to the content of the job. In the instant case, for example, the pit craneman has, over a period of years, assumed duties formerly performed by other members of the bargaining unit. The question I am asked to determine is whether the assumption of those additional duties had the effect of changing the job coding of the pit craneman. Moreover, the issue before me relates to the job, and not the individual incumbents who happen to work in the classification at any one time.

Although the company effectively changed the content of the pit craneman's job by adding additional duties, the company did not change the coding, at least in any manner relevant to this arbitration. Prior to the changes, which commenced in 1983, the pit craneman was established in job class 16, the same level it had held since the job's inception in 1958. The job remains at that level today. The only change in coding occurred in 1986, when the physical strength coding was increased by one point, bringing the total point

value to 85. That change is not at issue in this arbitration. The parties agree that the union has the burden of establishing that the coding should be changed.

Finally, much of the dispute in this case revolves around a concept described by the parties -- and recognized by other arbitrators -- as "more of the same." As will be detailed below, there is no question that following 1983, the pit craneman assumed additional duties, although there may be some dispute about how extensive the additional work is. It is clear, however, that a position's job class does not change merely because of the addition or creation of new duties. In short, job classification changes are typically made on the basis of qualitative changes, not mere quantitative changes. Thus, the addition of duties at the same level for which the job is already coded would not, of itself, be sufficient to change the coding. The union, however, points to language in previous arbitration awards which observes that at some point, a quantitative change might be sufficient to produce a qualitative change, thus warranting an increased coding. <FN 1> Just when and how that line is crossed is an issue in this case.

Facts and Contentions

The facts are not in dispute, although the conclusions the parties draw from the facts are vigorously contested. Prior to 1983, there were three more jobs in the heating sequence at the number 4 slabbing mill than exist today. The pit craneman, which is the position at issue in this arbitration, had the responsibility to charge steel into or draw steel out of the soaking pits, which are accurately described in the union's brief as large vertical furnaces that reheat steel for rolling. In 1983, and for some period of time thereafter, the steel was principally in the form of ingots. Today much -- perhaps most -- of the steel, handled by the pit craneman is in slabs.

Before the craneman could charge or draw steel, there were certain preparatory functions. First, an employee described as a valve tender turned off the gas which fed the soaking pit. Then, a cover craneman took the cover off the pit. If the pit craneman was to charge the pit, he would place ingots inside it, the cover craneman would then replace the cover, and the valve tender would turn the gas back on. This latter function might be delayed for a time under the direction of the heater, but the point is that, once he charged the steel into the pit, the pit craneman's role in the process was finished.

Much the same routine applied when the steel was drawn. The valve tender would turn off the gas, the cover craneman would uncover the soaking pit, and the pit craneman would then take the steel out of the furnace as directed by the heater or the pit recorder. Those individuals did not direct the operations themselves, but they told the pit craneman which pits to draw or charge and in what quantities. When drawing the pits, the pit craneman placed the steel on a cart known as an ingot buggy. The ingot buggy runs on rails alongside the battery of soaking pits. After placing the steel on the buggy, the pit craneman's role in the drawing operation was complete. The cover craneman replaced the cover, the valve tender turned the gas back on, and an ingot buggy operator was responsible for moving the steel to the roller.

In 1983 the pit craneman began assuming most of the duties performed by other employees in the sequence. The first, and probably the most significant change, was the elimination of the cover craneman. Because of technological change, the company was able to add additional controls to the cab of the pit crane, thus allowing the pit craneman to operate the cover crane. Subsequently, the company eliminated the valve tender, again modifying the pit crane cab so that the crane operator could start and stop the gas to the soaking pits.

In addition to the pit craneman, the heater and the assistant heater have remote controls that allow them to operate the cover cranes and the gas valves. It appears, however, that the pit craneman has assumed principal responsibility for the jobs formerly performed by the cover craneman and the valve tender, at least in connection with charging and drawing the pits.

The company made one other significant change when it eliminated the ingot buggy operator in 1988. Unlike the elimination of the cover craneman and the valve tender, not all of the buggy operator's function was assigned to the pit craneman. The craneman did, however, inherit part of the work. He now has the responsibility of starting the buggy on its journey to the rolling mill. After initiating movement of the buggy, the pit crane operator has no further control. He cannot, for example, stop the buggy. The major responsibility for operation of the ingot buggy was assigned not to the pit crane operator, but to the pit recorder, resulting in a change in that classification from a job class 12 to a job class 15.

There is no question that these changes have increased the duties of the pit craneman in charging and drawing the pits. Whereas formerly the pit craneman's only responsibility was to put steel into the soaking pit or take it out (a task which is not as easy as this short description implies), the craneman now has additional responsibilities. As described by pit craneman Bob Kralek, the pit craneman now has to find the appropriate cover crane, assume control of it and take it to the pit. He then shuts off the gas (at least if the

pit is to be drawn) and puts the cover crane in position and removes the cover. After moving the cover out of the way, the pit craneman charges the pit, replaces the cover and turns on the gas. If drawing the pit, he removes the steel and places it on the ingot buggy (which he did previously) and then starts the ingot buggy toward the mill. He then either replaces the cover or charges the pit and then replaces the cover and, if appropriate, restarts the gas.

The union asserts that by adding to the pit craneman's responsibilities the duties formerly performed by the cover craneman and the valve tender, and by assigning part of the function performed by the buggy operator, the company must now change the craneman's job coding. Job codings are not arrived at arbitrarily. Rather, they are the result of analysis under a 73 page booklet known as the Job Description and Classification Manual.

As described in the manual, the purpose of the job classification system is to establish an equitable wage structure by determining the proper relationship of all production and maintenance jobs. In brief, the duties of the job are coded for certain attributes, with point factors assigned according to the content of the jobs. The touchstone of the system is job comparison. That is, the various elements and their levels of degrees are meaningful mostly when compared to other jobs in the mill. To that end, the drafters of the manual referred to certain benchmark jobs to facilitate understanding. The importance and limitations of job comparisons were commented on by former permanent arbitrator David Cole in Inland Award 212:

The sound way to determine the proper classification of a changed job is to compare the present job duties with those of the job as previously constituted. When comparisons must be made with other jobs, reference should mainly be to jobs of similar nature and content. The parties have agreed that benchmark jobs of a totally different character are of relatively little help.

As noted above, the pit craneman is classified at job class 16. The union asserts that the company should change the job coding of five elements. Thus, the union alleges that as a result of the additions of duties from the cover craneman, valve tender, and ingot buggy operator, the company should increase point factors allotted for maintenance of operating pace, experience, responsibility for the safety of others, mental stability and mental exertion. If granted, the changes sought by the union would increase the pit craneman from job class 16 to job class 21. I will address each factor separately and in some detail.

Before I begin, it is appropriate to make an observation about the previous base rate cases between these parties. As noted, there have been no such cases for almost 30 years. The parties' have presented me with copies of what are apparently most of the previous base rate cases. I read them before I began work on this case. While they contain language that helps to define and clarify the process (like that cited above from arbitrator Cole), I was struck by the conclusory nature of most of the awards. Having now reviewed the instant case in some detail, I can better understand the previous cases. These cases are very fact specific. It would be uncommon for a factor analysis made in a previous case to shed great light on subsequent disputes, unless they were of very similar nature. Moreover, it is no easy matter to explain subjective determinations about the qualitative effects of job changes. Like the arbitrators who heard the earlier cases, I will do the best I can to explain my conclusions.

Factor Analysis

a. Responsibility for Maintenance of Operating Pace

Some of the disputes over factors are easier to resolve than others. That is the case with Responsibility for Maintenance of Operating Pace. As stated in the manual, "this factor is intended to establish quantitatively the significance of failure by the worker to fulfill his responsibilities for maintenance of operating pace." The convention says that the highest ratings go to "pace-setting jobs which control the production of large units."

There are four levels which measure job interdependence and the effect of the worker's job on operating pace. Those levels are further subdivided into four degrees. The pit craneman is coded 4C11. This means that the company has evaluated the job as being at level 4 with a degree of C. The 11 signifies that the 4C coding contributes 11 points toward the job's overall rating. The union contends that the job should be coded at 4D15, which in effect means that the union wants the degree coding raised from C to D.

There is, then, no dispute about the appropriate level. The argument involves which degree of responsibility is appropriate. Level C is described as follows:

Responsibility of worker involves definite control over operating pace in cooperation with other workers, i.e., team-work required by two or more workers who are responsible for maintaining desired operating pace; exercise control of considerable importance over own pace, or over pace of others for part time.

The D degree is defined as a responsibility that "involves definite and individual control over operating pace, i.e., worker is required to assume full responsibility for the planning, instructing, and directing the work of himself or others and setting of their operating pace."

The company contends that the pit craneman does not exercise individual control over the operating pace. Rather, the company urges, the heater, pit recorder and pit craneman, acting together, determine the operating pace. The company contends, then, that the three jobs should have the same coding. The pit recorder pit and heater are coded at 4C11, just as is the craneman. This coding, the company says, recognizes the teamwork that operating is required to determine and maintain the pace. The company also points out that no bargaining unit job holds the 4D15 coding requested by the union.

The union does not argue with the company's claim that the heater and the pit recorder play important roles in the production process. It concedes, for example, that the pit recorder takes direction from those employees, who produce the lineup that, essentially, gives the pit recorder direction. The union argues, however, that the pit recorder and heater have no role to play in the actual functions of charging and drawing the pits.

Prior to 1983, the pit craneman worked with the valve tender, the cover craneman and the ingot buggy operator to charge and draw the pits and to send the steel to the rolling mill. Following the changes that led to this arbitration, the pit craneman now does all of the charging and drawing work himself and he performs part of the ingot buggy operator's function. Thus, the union contends, the pit craneman now has assumed full responsibility for "planning, instructing, and directing the work of himself. . ." as required by degree D. It is true that the pit craneman now performs work that was formerly done by others and he obviously has more responsibility than he had before the changes. That quantitative change, however, does not necessarily lead to a qualitative change in the kind of work done. I understand that the pit craneman now has to turn off the gas and remove the covers himself, whereas he formerly relied on others to do that work for him. In one sense, he is "directing" himself to do certain tasks at certain times and in certain orders. But I don't believe he does so in the sense contemplated by the manual.

It is simply not the case that the pit craneman exercises "definite and individual control over operating pace." He exercises no independent judgment in planning, instructing, and directing the work, which is what I think the D degree contemplates. The pit craneman does not determine on his own when the pits are to be drawn or charged. He takes that direction from the heater or the pit recorder who tell him what to do and when to do it. True, he has to do the task on his own, but he doesn't "direct" himself in the way degree D describes. Rather, he simply follows the routine that was established by others. I do not mean to minimize the importance of that routine. The pit craneman clearly has a significant impact on the operating pace. But I think his responsibility is appropriately described by the 4C11 level. He does not exercise the degree of independence or responsibility described in 4D15.

b. Experience

The convention observes that the experience factor measures "the non-transferable knowledge required for successful performance of the job." Despite that statement, the parties acknowledged that the time frames established by the manual do not necessarily reflect the actual time employees need to learn the job. Rather, the time frames are meaningful only as comparisons.

The pit craneman is currently coded at a 2D8. The union requests a 3D14. The parties do not disagree, then, that the appropriate degree of significance is D. Rather, they dispute the appropriate level. Level 2 is defined as "experience involving proficiency in some specific skills of limited extent such as may normally be acquired in a period of 24 months." Level 3, by contrast, requires proficiency in a "considerable variety of skills" with a time period of 42 months. The union contends that this change is appropriate because the pit craneman, in addition to the pit crane itself, must now also learn how to operate the cover crane, the valve cutoff, and the ingot buggy.

The company asserts that the union has done nothing more than pyramid, which is clearly improper. Thus, the company claims that the union has simply added the pit craneman's 24 months to the valve tender's 3 months, the cover craneman's 6 months and the buggy operator's 9 months, thus arriving at the 42 months contemplated in 3D14. The union, of course, makes no such claim. Its principal claim is that, unlike other cranemen throughout the plant, the pit craneman must master the operation of two cranes and, in addition, must learn the valve tender's duties and at least part of the operation of the ingot buggy. Thus, he is required to exercise proficiency in a "variety of skills," as contemplated by level 3.

I can't say, of course, how long it actually takes to learn the job at issue. There was testimony that all of the required skills can be mastered in a fairly short period of time. I suspect, however, that the same can be said for jobs at level 3 and, indeed, for many of the jobs in the mill. As noted above, the actual time required is

not determinative. Rather, the key is job comparison. Such comparison is difficult here, mostly because most of the jobs I was referred to (company exhibit 15) bear little resemblance to the pit craneman. I agree that the pit craneman has a considerable variety of duties. He no doubt has more to do than other cranemen in the mill, as the union claims. But it doesn't follow that the numerous duties represent a considerable variety of skills. In fact, the additional duties seem to me to require about the same skill already inherent in the pit craneman's job. I find little warrant for increasing the time necessary to train the pit craneman in the operation of the gas valves or the ingot buggy. The gas valve merely involves pushing a button to activate or deactivate the furnace. Initiation of the ingot buggy simply requires turning a selector switch. Although these functions are important, they are not complex and they do not involve mastery of a skill in addition to those which are already part of the pit craneman's job.

Although the cover crane operation requires significantly more skill than operation of the gas valve or initiation of the ingot buggy, I am not persuaded that the training required to operate the cover crane represents a body of learning separate and distinct from the pit crane. In short, I think the training one undergoes to operate the pit crane embraces many of the tasks and skills required to operate the cover crane. Thus, I think the 24 month period already allowed to train the cover craneman is sufficient to also learn the tasks added to the job.

I base this conclusion in part on evidence elicited by the company from Mr. Krill. I also note that the union was unable to identify additional skills, the mastery of which would require appreciably more time. The union did a good job of detailing the additional duties, but I think it was unable to establish that those duties require an increase in experience coding because there is, in fact, no such evidence. Finally, I also base my conclusion, in part, on my observation of Mr. Kralek in the crane. I was impressed with his obvious skill, but his demonstration did not persuade me that operation of the gas valve and the cover crane, or initiation of the ingot buggy, added significantly to the skills required (as opposed to the tasks required) to perform his job.

c. Responsibility for the Safety of Others

The dispute over this factor is more difficult to resolve. The convention says that the factor is intended to "measure the responsibility placed on the employee to avoid injury to others." The factor, however, does not measure the strain inherent in an employee who must constantly be on guard against an injury. That strain is an element to be considered under mental exertion. The safety of others factor, instead, is concerned with the possibility of an accident.

Once again, the parties do not dispute the degree of responsibility, which is measured at D, requiring a high degree of care. The parties are in dispute over the level of exposure to a possible accident. The job is currently coded at level 3, which means there is an occasional likelihood of a permanent injury, a frequent likelihood of a lost time injury and/or a constant likelihood of a minor injury. The union has requested that the job be coded at level 4, requiring proof of frequent exposure to a permanent injury and constant exposure to a lost time injury.

The company asserts that the union's request is motivated primarily by pyramiding and claims that the exposure resulting in the pit craneman's assumption of new duties is merely more of the same. In that regard, the company notes that the cover craneman, whose duties comprise the bulk of the work added to the pit craneman, was coded at 3B2, a lower level than that of the pit craneman. The ingot buggy operator was coded at the same 3B2 level, and the pit craneman did not even assume the bulk of the buggy operator's responsibility. The valve tender was coded at 3C3, also lower than the pit craneman. The company asserts, as it has in other factors in dispute, that lower level coding cannot, in effect, simply be added together in order to move the coding to a higher level.

I understand the company's basic argument about pyramiding and I agree that adding together two low levels does not of itself result in a higher level of work. I question, however, whether that argument applies with as much force to this factor. The parties are in agreement that the pit craneman's job requires a high degree of care. The real dispute involves the extent to which other workers are exposed to injury.

The coding prior to the changes in the pit craneman's job must be assumed to be correct. Thus, before 1983, the "occasional, frequent, constant" standard of level 3 applied. Unlike some other factors involved in this case, however, there is no question here about the quality of work performed by the pit craneman. Rather, the question is whether the increase in responsibility increased the level of exposure to a possible accident. In my view, the pyramiding argument advanced so persuasively in other aspects of this case cannot be so easily applied here.

Prior to the changes in the job, the pit craneman, realistically, exposed others to injury only when he was performing his routine duties of charging and drawing the pits. The rest of the time he was essentially

inactive, often sitting with his tongs in the water box. I don't mean to denigrate that activity, which was clearly part of his job, but the point is that when the parties coded the pit craneman's likelihood of exposure to an accident, they knew that he would have several periods of inactivity. At least some of that idle time has now been replaced with the operation of other equipment. In my view, then, in considering the possibility of exposure to an accident it is appropriate to look not only to the kinds of risks assumed by the pit craneman, but also to the increased time in which risks exist. <FN 2> This is consistent with the manual, which says that the level of exposure is to be selected by giving consideration to the "time or frequency during which precautionary measures must be taken." (Manual, p. 44.)

The pit craneman has assumed the risks formerly associated with the valve tender's job and only part of the risk formerly borne by the ingot buggy operator. I think the initiation of the buggy is not a significant factor to consider in this case. Although there was no union testimony about exposure to harm, company witness Krill asserted that no one is exposed to harm on the buggy track. I must assume that his testimony was accurate. In that regard, I observed during my view of craneman Kralek that, when he loaded slabs on the ingot buggy and initiated the movement, he did not even look at the track for possible obstructions. I don't mean to suggest that his operation of the crane was deficient in any way. Rather, I took his apparent confidence that the track was clear as confirmation of Krill's testimony that no other workers are exposed to harm on the track.

Neither party introduced much evidence about the risks associated with assumption of the valve tender's duties, although I took the testimony that exists to mean that failure to shut off the gas properly subjected other workers in the area to injury. I am unable to find that inclusion of this duty in the pit craneman's job description added appreciably to the level of exposure to a possible accident.

Clearly, the main contention is that the coding should be increased because of the addition of the duties of the cover craneman. In fact, the union asserted that the pit craneman actually carries more of a possibility of injury to others than the cover craneman did for two reasons: first, the pit craneman can move any of the cover cranes from his position in the pit crane, so he incurs the risk of "picking up" the wrong crane: second, the pit craneman sometimes works a further distance away from the cover crane than did the cover craneman and his vision of the surrounding area is therefore not as good.

The company, however, asserts that exposure to injury cannot be assessed without reference to the number of workers present in the area. Thus, the company would not dispute that the pit craneman now has more duties or that he spends more time during which exposure to an accident is possible. But the company claims there are now fewer people in the pit craneman's area of operation than there were previously, so that, even with more active time, the level of exposure has not increased.

There is no doubt that the level of exposure is not as high as it once was. It is clear, however, that large masses of people are not essential to justify a higher coding. Both parties, for example, cite the gantry craneman as justification for their positions. The company asserts that the gantry craneman's 4D7 rating is justified by the presence of scarfers and scarfer recorders in the area. The testimony was that these people are there much of the time, not that there were a lot of them at any one time. The key, then, is not necessarily that there are large numbers of people exposed, but the frequency of exposure of other workers. Kralek testified that there are also other workers present in the pit area and that their presence results in a high level of exposure although, unlike the case of the gantry craneman, the risk is not always to the same workers. Kralek acknowledged that there are fewer people on the 3 to 11 and 11 to 7 turns than used to be present on those turns, but he said the presence of other workers was common even on those turns.

This testimony was questioned by Krill, who discounted the presence of others in the area with any frequency, a conclusion supported by section manager George Jerome. Thus, I simply have to resolve the dispute about how much exposure exists in the area. I have considered all of the testimony. I believe Jerome's assertion that masons are now in the pit area only 4 or 5 turns a week, whereas formerly they were present more often. But I also believed Kralek's testimony that it is common to have other workers in the pit area on both day and night turns. He cited the presence in varying degrees of the pit recorder, the pit clerk, the heater, the foreman, masons, various repair people, laborers and outside contractors.

Presumably, the company has records that would show the presence of various workers at different times. What I have to make my decision on, however, is not documentary evidence, but the impressions of management and union witnesses. I thought all three of the witnesses were credible, and that none of them exaggerated their testimony in order to mislead me. That credibility finding is of some importance since, unlike Jerome and especially Krill, Kralek is on the battery every day (or at least every day he works) and, unlike the others, has reason to pay attention to who else is in the area.

Contentions like this one can never be resolved with precision, but on balance I think the union has shown that, despite an overall reduction of people in the area, other employees are still there in sufficient enough numbers to warrant a conclusion of increased exposure. I also reject the company's claim that taking account of the additional time during which the pit craneman has responsibility for the safety of others is pyramiding. In short, I think the union has justified its claim that the level of exposure should be increased from level 3 to level 4.

d. Mental Stability

The convention observes that the mental stability factor "is designed to measure the 'pressure' placed on a worker while doing his job." It also says that jobs that are pace setters or that are particularly hazardous typically receive the highest ratings. Unlike the factors detailed above, mental stability is not dual rated. The pit craneman's job is coded at B1: "self control and patience under trying circumstances as in making delicate adjustments in difficult machine set ups." The union has requested that, as a result of changes on the job, the coding be increased to C2: "cool and deliberate carrying out of instructions in ordinary emergencies."

The union supports its request by arguing that as duties have been added to the pit craneman occupation, the pressure has increased. The union also observes that the pit recorder who like the pit craneman, takes orders from the heater, has a C2 coding. The union urges that the same level coding is appropriate for the pit craneman.

The company asserts that the pit craneman's coding is proper, citing the fact that the pit recorder, who has the responsibility for moving the steel to the rolling mill, properly has the higher C2 coding. The company acknowledges that both occupations take direction from the heater, but denies that this fact makes them equal. Rather, the company says that in the event of trouble, the pit recorder, not the pit craneman, has the responsibility to vary the lineup in order to move steel to the mill. The pit craneman simply follows his direction. Thus, the pit recorder has more pressure.

The company does not deny that the pit craneman sometimes encounters difficulties or emergencies on the job. For example, the pit craneman must deal with dropped or leaning ingots, rerailling ingots, or using the pit crane to move the cover crane when the cover crane loses power. But the company points out that dealing with these problems have always been part of the pit craneman's job. They do not, then, represent a change and can therefore not furnish grounds for increasing the coding.

The new duties do present the pit craneman with problems not encountered before the change. He must see and react to cover crane fires -- usually by calling someone else to put them out -- and he also has to deal with broken lug nuts on the cover crane. The company says, however, that these difficulties are "more of the same." That is, in the language of the manual, they represent "trying circumstances" and not "ordinary emergencies." As proof, the company tenders the fact that these are difficulties that also confronted the cover craneman before his elimination and that job was coded B1 (i.e., "trying circumstances") in mental stability. Thus, the addition of the cover craneman's duties to the pit craneman's responsibilities did not add any C2 level duties and it would be inappropriate pyramiding to combine the duties of the two crane positions and achieve a higher rating.

The company advances essentially the same argument for the assumption of the valve tender and ingot buggy duties. The control box added to the crane to allow performance of these tasks is, the company says, not a complex system. Rather, the controls are similar to those already operated by the pit craneman and are therefore not likely to cause additional stress. The company points out that the valve tender was coded at A0 for mental stability, a lower rating than the pit craneman already enjoys. The ingot buggy operator did have a higher coding -- C2 -- but the pit craneman only assumed a small part of his function. The main functions were given to the pit recorder, and that classification's mental stability rating was increased as a result.

The company also introduced evidence concerning mental stability ratings given to other jobs in the plant. The most persuasive was the C2 coding for the charging craneman. The company points out that unlike the pit craneman, the charging craneman deals with 255 tons of molten metal. Pouring the metal into the furnace, the company asserts, is a dangerous maneuver calling for cool and deliberate action. A spill creates an emergency situation qualitatively different from the sorts of situations encountered by the pit craneman. Although I recognize that the pit craneman now has more to do than he did before the changes, I don't think that fact requires an increase in coding for mental stability. It is no doubt true that the pit craneman feels pressure for more time during the turn than he did before assuming additional duties, but unlike the safety of others factor, the additional time does not produce a qualitative change. The company established that the valve tender and the cover crane operator did not face sufficient pressure to justify a C2 coding and the

portion of the duties assigned from the ingot buggy operator were also not of that high level. Thus, there is no warrant for increasing the mental stability coding of the pit craneman. He has merely assumed either more of the same type of pressure, or additional lower level pressure.

e. Mental Exertion

This has been the most difficult factor to resolve. Unlike mental stability, which measures pressure, mental exertion "is designed to measure those elements, other than physical exertion that contribute to the fatigue of an employee on the job, and the resulting effect this fatigue has on the employee's willingness to accept and continue to work on the job." The manual uses the term "mental exertion" synonymously with "nerve strain." It lists as among the appropriate consideration the attention paid to avoiding injury to others and to maintain operations, and the necessity for deductive reasoning.

Like several other factors in dispute, mental exertion is dual rated. The parties are in dispute about the appropriate level. The pit craneman is currently coded at 3D8 and the union has requested 4D12. Level 3 is described as follows:

Above normal exertion; close visual attention to specific details on operations of moderate speed, or application of mental faculties in solving simple problems including some mental fatigue or nervous strain. By contrast, level 4 requires:

High exertion; very close attention on fast or responsible operation to cause considerable nervous strain, or application of some original thinking to solve complex problems of a nature calculated to induce considerable mental fatigue.

Both parties assert that the D degree is proper, meaning that the pit craneman operates at the particular level more than three quarters of the time. Thus, the union asserts that the pit craneman works under level 4 mental exertion at least 3/4 of the time and the company asserts that he works under level 3 mental exertion more than 3/4 of the time. The parties also agree that the pit craneman's current coding is an "average" rating. That is, the level 3 was obtained by averaging the appropriate functions performed by the pit craneman in the course of his work. There could, then, be some level 2 work and some level 4 work, although the company says there was no level 4 work.

The union offers several arguments to support its request for an increase. It notes that the amount of steel handled in the soaking pit has not varied considerably over the years. Thus, the pit craneman still works as much steel as ever on his traditional duties but, in addition, has now assumed several duties formerly performed by others. This, the union says, proves that the pit craneman is now considerably busier than he was before the changes. Indeed, Kralek testified credibly that the job now requires constant attention, an assertion borne out by my brief view of his work.

The union also asserts that, as a result of the added duties, the pit craneman now has to be more aware of the possibility of causing an accident to others. Although the possibility of an accident is properly coded under the Responsibility for the Safety of Others factor, the strain of having to guard against such an accident is an element of mental exertion. The union also notes that the 3D8 coding is an average. At the time the pit craneman was coded originally, his job included periods of inactivity while he waited for others, principally the cover craneman, to do their jobs. Now, however, the pit craneman does those other jobs himself. Since the average 3D8 coding included periods of inactivity that have now been replaced with work, the union asserts that the average should increase as well, thus increasing the level.

The union urges that the soaking pit operation must be "fast paced" as that term is used in the manual since the pit craneman's job description under muscular coordination requires that he operate proficiently "several variable controls simultaneously at a fast pace." Finally, the union points to other crane jobs in the plant some of which, including the ladle craneman and the ore bridge craneman, have higher ratings. The union does not quibble with the company's argument that the ladle craneman's rating is justified by his handling of molten steel or that the ore bridge craneman's duties require close and constant attention. The union points out, however, that neither of those craneman -- indeed, no craneman in the plant other than the pit craneman -- operates two cranes at the same time.

The company, of course, does not deny that fact, but it asserts that the addition of the cover craneman's duties simply resulted in more of the same. The company points out that the cover craneman had the same 3D8 coding that the pit craneman has. This was the same rating awarded to the ingot buggy operator and the pit craneman assumed only a portion of his duties. The valve tender had only a 2D4 rating. The company, then, makes the same pyramiding argument that it advances with respect to other factors -- namely, that a combination of lower level factors cannot result in coding at a higher level. Since the pit craneman must be assumed to have been coded properly originally, the level rating can increase only by the addition of level 4 duties. But, the company says, no such duties were added.

I questioned company witness Krill about the union's contention that the average had to increase, since periods of inactivity were replaced with work. Krill responded that the rating would increase on average only with the addition of higher duties. That is, he said that if the job averaged out to level 3 before the change, an average above 3 could not be obtained unless level 4 or level 5 duties were assumed. And, he said, the duties assumed by the pit craneman did not include anything higher than level 3.

As noted above, I found this to be the most difficult issue to resolve. Indeed, I was impressed enough with the union's argument to believe, immediately following the hearing, that it might prevail on this factor. What changed my mind, frankly, was my view of the job. As I have already said, I was most impressed with Kralek's skill as a pit crane operator and I found his explanations helpful and easily understandable for a layman. I can't say, of course, exactly how representative my view was, but I do note that what I saw Kralek do is the job that was described by testimony at the hearing.

Kralek pointed out several problems during my brief ride with him. At one point, for example, he had difficulty lifting a slab. He told me that sometimes the problem stems from difficulty balancing the weight and other times it's caused by inability to secure a grip. At other times a slab or ingot cannot be removed in the proper order or is leaning. Moreover, sometimes he has difficulty placing the slab or ingot on the buggy. These, however, are all problems that the pit craneman has always had to deal with. They are not the result of the change. I don't question the difficulties he described and I don't mean to diminish the skill required to deal with them, but they don't represent changes in the job and, thus, cannot be used as a justification for increasing the coding.

I observed Kralek's operation of the cover crane, which was clearly the most significant addition to his responsibility. I don't suggest that this task is easy, but I do find that it does not differ in any significant way from the work the pit craneman did previously. My view of the job, then, reinforced the company's contention that the duties assumed by the pit craneman are more of the same. This observation answers some of the arguments advanced by the union.

For example, the union argues vigorously that the soaking pit operation is "fast" as that term is used for level 4 of mental exertion, and cites as proof the job description that requires fast operation of controls. But this terminology was not added when the additional duties were given to the pit craneman. It appeared on the 1958 job description which coded the pit craneman at 3D8 for mental exertion, which contemplates operations of "moderate speed." That rating must be assumed to have been correct at the time it was established. If the pit craneman now works on a fast operation, then, it is not because of the language in the muscular coordination factor of the job description. Rather, it must be because of the addition of the new duties. There is, however, nothing about those duties that would compel such a conclusion. The duties, instead, are more of the same type of work the pit craneman was already performing.

Similarly, I must reject the union's claim that the average rating would rise as a result of the addition of new duties. I find nothing in the duties assumed by the pit craneman that would increase the work he performs from level 3 to level 4. Rather, both the testimony and my view of the job convince me that he is simply doing more of the same.

I think the union's real argument here is that the addition of the similar duties was so significant as to impose a qualitative change. That is, the union claims that, as arbitrator Cole acknowledged could happen when he wrote Inland Award No. 209, the company has crossed the line between mere quantitative additions and qualitative change, notwithstanding the fact that the new duties are similar in kind. I don't question arbitrator Cole's assertion that such a line exists, but it certainly not a bright demarcation. Drawing lines under circumstances like these is one of the most difficult tasks a decision maker faces. Indeed, exact description of the location is seldom possible. As in the search for the illusive standard of "reasonableness," most often one merely concludes that the line has or has not been crossed.

I think it has not been crossed here. The duties assumed from the valve tender and the ingot buggy operator, while important functions, comprise only a very small part of the pit craneman's responsibility. The significant addition to the job was the responsibility of operating the cover crane. In my view, this was simply not a qualitative change. The pit craneman does have more to do than he had previously, but the duties are very much like those he was already performing. Granted, more of the same may sometimes itself produce the qualitative change required for an increase in coding, but the additional work here was not of sufficient quantity to produce that result.

I understand that I have granted the union's request for a higher coding in responsibility for the safety of others and that the strain accompanying such exposure is a factor to consider in mental exertion. As observed earlier, the cover craneman's duties represent the only addition for which increased safety exposure or concern is possible. It may be that a conclusion of greater exposure would sometimes support a

finding of increased strain sufficient to change the coding for mental exertion. I do not think that is true in this case. Although the cover crane's duties have been added to the pit crane, the additional strain from the possibility of an accident is not sufficient to convert the job to one involving high mental exertion. In my view, the cover crane duties are just not that significant a part of the pit crane's overall responsibility. Rather, despite the fact that he has assumed duties formerly performed by three other employees, the traditional pit crane duties comprise the bulk of his responsibility.

Conclusion

I think the union has not been able to prove that the pit crane job coding should be increased for the factors of mental exertion, mental stability, experience, or responsibility for maintenance of operating pace. I do not mean that there was some defect in the union's case. Rather, I think the addition of new duties, in fact, does not warrant a change in those job factors.

I think the union did establish that the coding for responsibility for the safety of others should be increased from 3D5 to 4D7. That change will add 2 points to the pit crane's total point value. However, as I understand the application of the Job Classification Point Adjustment Table (Upward Revision) on page 10 of the manual, the pit crane's job class will not increase from 16 to 17 as a result of this change. Thus, the pit crane was originally rated at 84 points and could not increase to the next highest job class until changes result in 88 points.

AWARD

The union's request is granted, in part. The job coding for Responsibility for the Safety of Others shall be changed from 3D5 to 4D7. The other union requests for changes in job coding are denied.

/s/ Terry A. Bethel

Terry A. Bethel

Bloomington, IN

September 4, 1991

<FN 1> For example, in Inland Award No. 209, arbitrator Cole said:

It is entirely possible that the company may add so many new duties as to warrant reevaluation, even if the duties are of the kind previously performed. The problem is one of degree.

<FN 2> This is not to imply that there is no possibility of pyramiding with respect to this factor. For example, assumption of several duties that had only a possibility of producing a minor injury could not be combined to result in a risk of permanent or lost time injuries. In this case, however, the manual already recognizes the possibility that the pit crane and the cover crane could cause permanent or lost time injuries. The real dispute involves not the seriousness of the harm they can cause, but the likelihood of such an occurrence. The time during which employees are exposed to the risk is a relevant consideration.