Award No. 895
IN THE MATTER OF THE ARBITRATION BETWEEN
INLAND STEEL COMPANY
and
UNITED STEELWORKERS OF AMERICA
LOCAL UNION 1010
Grievances 4-V-6 and 4-V-10
Arbitrator: Terry A. Bethel
August 26, 1994
OPINION AND AWARD
Introduction
This case involves the company's decision to reduce the crew of degasser operators at the RHOB from six to five and then, about seven weeks later, from five to four. The case was tried at the company's offices in East Chicago, Indiana on August 19, 1994. Pat Parker represented the company and Jim Robinson presented the case for the union. A tour of the degasser facility preceded the hearing. The parties submitted the case on final argument.
Appearances
For the company:
P. Parker -- Sen. Rep., Union Relations
P. Pogorzelski -- Proj. Eng., Central Eng.
J. Bradley -- Sec. Mgr., No. 4 BOF
H. Junker -- Safety Mgr., HR, Mfg.
F. Jaicks -- Day Supervisor, No. 4 BOF
J. Blatsioris -- Supervisor, No. 4 BOF
For the union:
J. Robinson -- Staff Rep., USWA
M. Mezo -- President, Local 1010
J. O'Donahue -- Griever, Area 4, No. 4 BOF
J. Strauch -- Asst. Griever, Area 4
J. Kirinsic
D. Zellers
J. Girton
D. Wilson
Background
Since its startup in 1987 and until 1993, the RHOB -- also known as the degasser -- operated with a crew of six skill-based employees per turn, rotating through a total of five different assignments. The number of employees has now been reduced to four. It is that reduction that forms the basis of this arbitration. As skill-based employees, each employee is classified as an operator and rotates through a variety of assignments on a daily basis.
The computer operator works in the pulpit and, essentially, controls the operation, using various computer screens and other sophisticated equipment. Prior to 1993, the ladle lift operator also worked in the pulpit, from a station adjacent to the computer operator. The ladle lift operator took control of the heat after it left the argon cooling station, placed it on the turntable, removed the cover, put the heat into position under the snorkel, and then controlled the level of the ladle as the degassing operation progressed. Because there is a layer of slag over the molten steel in the ladle, this latter function was of particular importance. The ladle lift operator initially brought the ladle to a point known as L0, which is when the snorkels just touch the surface of the ladle. He then progressed to L1, a point 500 centimeters below L0. During the degassing operation, the ladle lift operator maintained the snorkels at a depth of approximately 650 centimeters, which was necessary in order to avoid sucking slag into the degasser vessel. After completion of degassing, the ladle lift operator replaced the cover on the ladle and took it off the turn table. All of these operations were performed on controls at the ladle lift operator's station in the pulpit, which afforded a view of the ladle from a window. In addition to those duties, the ladle lift operator also entered data into the computer, hand logged other data, passed information along to the caster and, (according to company witnesses) monitored the computer along with the computer operator.
Located just outside the pulpit is a deck operator who, prior to the change complained of here, took samples and temperatures during the degassing process (which included maintaining an opening in the slag) and

also added and stocked various additives. The deck operator was located on the other side of the pulpit wall from the ladle lift operator. One of the changes complained of here is the company's decision to eliminate the ladle lift operator and to assign his duties to the deck operator, a move taken by the company on March 21, 1993. This change followed the relocation of the ladle lift controls from their position inside the pulpit to a location on the deck, near where the deck operator had customarily worked.

In addition to the ladle lift operator, the computer operator, and the deck operator, the crew also contains an alloy man, whose duties are not at issue in this dispute. The final position is the bottom outlander. Until May 9, 1993, there were two bottom outlanders scheduled per turn. On May 9, the company reduced the crew by scheduling only one bottom outlander. That is the second change which is at issue in this arbitration. In support of this modification, the company offers several changes which, it asserts, justify its action. I will review each change in detail below.

Discussion

There is no dispute about the standards to be applied in this case, though the company does tender one theory which, apparently, has never before been considered. At issue here is Article 2, Section 2 of the agreement, which protects certain local working conditions, interpreted to encompass crew sizes. The parties agree that, prior to the elimination of the ladle lift operator in March 1993, the established and protected crew size was six employees per turn. Thus, in order for the company to justify a reduction to five employees per turn, it must establish that "the basis for the existence of the local working condition is changed or eliminated, thereby making it unnecessary to continue the local working condition."

1. The ladle lift operator

Though the parties agree that there was a local working condition of a six man crew, they disagree about the basis for the assignment of duties to the ladle lift operator. The union urges that the reason was safety. The employees of no. 4 BOF/CC, in particular, understand the hazards which are occasioned when slag touches water since a powerful explosion occurred in a different part of that facility a few years ago as the result of such contact. As noted above, a large part of the ladle lift operator's assignment involved monitoring of the ladle while the degassing took place. The molten steel in the ladle is covered with a layer of slag and it was the ladle lift operator's responsibility to insure that the snorkels stayed below the slag. Otherwise, slag could be siphoned into the degassing vessel which, the union contends, would endanger employees who work in the area. The deck operator, who now performs the functions formerly done by the ladle lift operator, cannot insure the safety of employees, the union claims, because his other duties preclude the constant monitoring that is required.

The company disagrees with the union's claim that safety was the basis for the assignment of duties to the ladle lift operator. In fact, the company dismisses the union's claim of a safety hazard, beyond that always attendant to working in a area around molten metal. During the design phase, the company was concerned that slag could be sucked into the lower part of the vacuum system and come into contact with water, thus precipitating an explosion. As the engineering evolved, the company decided to shut off the water in that area so as not to risk an explosion. Jim Bradley, who has ultimate responsibility for the degasser, testified that there have been a few occasions when slag has been siphoned into the lower part of the degasser vessel. Such instances are undesirable and cause a mess, he said, but they do not produce a hazard. Moreover, the company has taken other steps to insure that slag in not sucked into the vessel, including an alarm if the ladle drops and, if it drops too far, an automatic adjustment.

I found Bradley's testimony convincing. That is, I find that the company does not have to prove elimination of a safety hazard in order to justify the assignment of ladle lift duties to the deck operator because I am unable to find that safety was the basis of the ladle lift assignment in the first place. That does not mean that there was no hazard for the company to be concerned with. But it seems clear that the company's response to the possibility of an explosion was not to create the ladle lift position. Rather, the company's response was to shut off the water that could cause an explosion.

The company urges that the ladle lift operator came about because the controls were inside the pulpit and the company believed the computer operator would be too busy to operate the ladle and monitor those controls in addition to his other duties. The company also says that it was efficient to place the controls there because it allowed the ladle lift operator to help the computer operate monitor the computer. Equally important, it helped employees make the transition from an assignment outside the pulpit to computer operator, a factor that was apparently more important when the facility was new and the employees were still learning the various skills of a degasser operator.

The company justifies its decision to redistribute the ladle lift operator's duties by several factors, the most significant of which was the relocation of the controls outside the pulpit and onto the deck. Previously, the

controls were accessible only inside the pulpit and, as noted, the company thought the computer operator was to busy to operate them. Placing them on the deck, however, makes them accessible to the deck operator who, the company claims, has sufficient time to perform the tasks safely and competently.
In fact, not all of the work formerly performed by the ladle lift operator was assigned to the deck operator. Jim Bradley reviewed the ladle deck operator's functions in some detail. The ladle deck operator spent a considerable amount of time recording data, some manually and some into the computer. None of these duties were passed along to the deck operator. Some of them were redundant and were eliminated entirely. The rest of it is now done by the computer operator.
The union did not question this testimony and has not claimed that the redistribution of some data recording to the computer operator was improper. As I understand the skill based system, the data recording function did not belong to an occupation known as "ladle lift operator." Rather, it was one of the functions of the skill-based occupation of degasser operator. The change complained of here is not simply the elimination of an occupation. Instead, the union protests the company's decision to change the number of degasser operators scheduled per turn. It has not claimed that the computer operator -- who was already entering data into the computer -- was forbidden from entering more. Rather, the union asserts that for safety reasons, the company could not eliminate the degasser operator assignment that involved monitoring the ladle.
I find that the company has carried its burden of demonstrating that the basis for the assignment of a ladle lift operator has changed. I find no basis for concluding that the company created the assignment in the first instance for safety reasons. Instead, the assignment seems to reflect a decision to house the controls inside the pulpit. The company has the managerial freedom to determine that this configuration is no longer necessary or efficient. To the extent that the ladle lift operator monitored the same computer screens as the computer operator, the company has the right to have the same work done only once. The union produced no testimony that terminating the ladle lift operator's monitoring of the computer would adversely affect the computer operator or would cause safety concerns. The union, in fact, denied that the employees were performing that work in any event. Similarly, the company has the right to eliminate redundant data entry or logging.
The union did produce testimony that the new control location is not as efficient as the previous one because the operator now has to view by camera some things he could see first hand when the controls were in the pulpit. Bradley discounted this concern. Even if it is accurate, however, it does not militate against the company's decision. Absent proof of a safety hazard or the protected duties of a particular occupation (or, perhaps, other factors not at issue here) the company has the right to reconfigure the work place. If employees are not put at risk, the company has the right to decide whether it wants workers to view certain functions first hand or by camera. Or, stated conversely, the union cannot insist that all functions always be performed in exactly the same way.
The gist of the union's case is that the company created a safety hazard by moving the ladle lift controls to the deck and by assigning that work to the deck operator, who already had other duties to perform. It is true that the deck operator has other work to do. A time study performed by the company on a day prior to the change indicated that he was busy about 48% of the time. The largest blocks of his time (other than the time he was idle) involved taking and processing samples, replacing celox, taking temperatures, and stocking materials. He continues to perform those same functions, as well as operation of the ladle lift control. <FN 1> I have no opinion (and am entitled to none) about whether the company's decision was desireable or more efficient. My function is limited to determining that the original reason for assignment of a ladle lift operator had to do with the location of the controls and with certain computer monitoring duties that are no longer necessary. Because those conditions have changed, the company has carried its burden and was entitled to reduce the crew from six employees to five.
2. The outlanders
At the outset, the company argues that it need not justify its decision to reduce the crew by scheduling only one operator to perform bottom outlander duties. The company urges that, having successfully abrogated the crew by reassigning the ladle lift duties and reducing the number of employees to five, it did not automatically establish a new crew of five employees. Rather, it simply left the crew in a state of flux, which essentially allowed it to make whatever other changes in crew size it desired. The company acknowledges that it would have had to justify both eliminations had it gone from six to four at one time. But the interval of seven weeks from elimination of ladle lift operator and one bottom outlander saves it the task of justifying the latter decision.
I have difficulty accepting this argument. Carried to its ultimate, one might question why the company would ever seek to justify two eliminations at one time since, under its theory, if it could justify one

elimination on day one, then it could abolish the rest of the crew on day two. Because the issue is not before me, I cannot say there would never be a time when a crew reduction would so drastically change a crew that no further modifications had to be justified. In this case, however, I find that the company must justify not only the reduction from six to five but also the reduction from five to four.

The bottom outlander reduction is more difficult than the issues surrounding the ladle lift operator. Although not expressly articulated by the parties at the hearing, the basis for the company's decision to assign two operators to work as bottom outlanders was the volume of work for that position. The company does not dispute that, before the change, there was ample work for two employees. In fact, the company submitted a time study from 1991 which measured the activity of both outlanders on the same day. One was occupied over 75% of the time and the other was occupied over 83%. Bradley said he thought this was typical of the duties performed by these employees at the time.

The bottom outlanders are primarily responsible for refractory maintenance and vessel turn-around. These functions require, among other things, operation of mobile equipment, recording data, gunning refractory onto vessels and snorkels, and rebuilding equipment. The company claims that a series of changes has reduced the volume of this work sufficiently to justify the decision to schedule only one bottom outlander per turn.

a. new running system

The company claims there were three effects from this change. First, the company says that the new system takes significantly less time to load than the old one. Previously, employees loaded the machine by emptying 50 pound bags of material into it, a process that the company says took two men -- one to hold the pallet up and another to climb up on machine and throw the bags into the machine. This process had to be repeated every time the machine was used, which would be more than once per turn. Now, the company has installed a machine that allows one employee to load a 2000 sack of material once per turn. The company says this has eliminated 50% of the work.

Union witnesses disputed the company's claim that the new system is faster. They asserted that it did not require two men to load the gunning material under the previous system. Rather, an outlander would place a pallet of bags on a platform and then use bags from the pallet whenever needed. Although I believe Bradley had seen employees load the material in the way he described, I'm inclined to credit union testimony that, in the typical case, two men were not required for the job. The new system, then, reduced the work less than the company believes because it is not now using one man to do the work of two. Even so, it is reasonable to believe that the new system -- which requires that the material be loaded only once per turn -- saves time over the old system, which required employees to climb to the platform and load bags every time they gunned.

The company also claims two other benefits from the new gunning equipment. First, it says the new machine allows the work to be performed by one man whereas two were required with the old machine. Second, the company says that the new machine eliminated fluidizers, which reduced maintenance work significantly. Union witnesses claimed that most gunning could be performed by one man under the old system, though two were required sometimes. Also, while the union acknowledged that the fluidizers caused problems, union witnesses questioned the frequency of the work. It seems clear, however, that these two changes produced some change in the volume of work.

b. vessel repair cars enlarged

The vessel repair cars were expanded so they could accommodate both the deskulling jig and the soup bowl. This eliminated the work of taking one piece of equipment off and replacing it with the other. Bradley said this was a time consuming process. Subsequently, the company reduced the need for the soup bowl by allowing the vessels to drip onto the ground. A union witness testified that on his turn, the enlargement had little effect because the outlanders still changed the equipment around. Although I believed this testimony, it seems likely that other crews would have taken advantage of this improvement, which eliminated work. Thus, I credit company testimony that this change lessened the volume of work.

c. burner port plugs

Before the use of plugs, steel would harden in these ports, which then had to be removed by outlanders. The company claims that the use of plugs decreases the amount of steel and makes removal easier. Union witnesses claimed that steel still hardens in the ports, but just in a different place. The union says the work to remove the steel is unchanged, though Bradley says that significant work is required only when the plug is inserted incorrectly. Even if the union's claim is true, this change has still reduced the overall work of the outlanders. Bradley testified that the use of plugs has significantly reduced the need for refractory repair. Union witnesses acknowledged that there is now less damage to refractory than before the use of plugs.

d. switching schedule modification and vessel turnaround

Bradley testified in some detail about the company's decision to switch out the vessels more often, which eliminated the cooling/heating cycle and thereby prolonged refractory life. The company also decided not to deskull the vessels to the extent it had previously, thus allowing much faster turnaround time and, in the process, reducing the outlander's work. The union denies that the turnaround time has changed. In fact, a union witness testified that this change actually increased the amount of work for the outlanders because turn-around is now done after four heats rather than the previous five heats. In addition, he claimed, contrary to Bradley's testimony, that he still deskulled the snorkels. However, on cross examination, the union witness conceded that he had been instructed not to deskull the snorkels.

I understand the union's claim that work has been added because the vessels are now turned around more frequently. But I credit the company's testimony that because of the switching schedule change, there is less work to do on them than before. In addition, there is no question that the company now requires less deskulling work than before. I find, then, that these changes reduced the volume of work for the bottom outlanders.

e. vacuum expansion joint changes

Bradley testified about a number of changes to the vacuum expansion joints that have reduced the outlander's work.

i. Employees no longer have to look for leaks in the silicone O ring because of replacement with a higher temperature aluminum rope gasket.

ii. Employees no longer have to perform maintenance on the air cooling sprays that were installed to protect the O ring because those sprays have been removed. Bradley said this was a significant amount of work.

iii. Internal packing seals were upgraded to prevent dust build-up, which substantially reduced the maintenance required. Bradley said this had become a "non-event."

iv. The limit target strikers were changed to prevent breakage. This, too, has become a "non-event."

v. Vortex air coolers have been installed to prevent limit failures.

The union denies the effect of each of these changes, claiming that they have not reduced the work load. Although I find it difficult to quantify the time actually saved, I credit company testimony that these changes have produced some savings.

6. upgraded cameras

The company has installed a high velocity air jet and a camera with a small orifice. This has prevented the camera from plugging up with skull as frequently as before. Union witnesses questioned the frequency of this work even under the old system.

Unlike the situation that exists in some cases, the company did not provide detailed time estimates of the work saved by each of the changes. That, however, is not a fatal flaw. Though such time estimates are always made in good faith, it is often difficult to know exactly what the impact of individual changes has been. Moreover, union witnesses often testify -- also in good faith -- that such changes had little or no effect. It is not easy for an arbitrator who is unfamiliar with day to day operations to resolve such conflicts.

In this case, the company approached the problem from a different perspective. It introduced into evidence a time study of two outlanders from the same turn on the same day in 1991. As noted above, one was occupied more than 83% of the time and the other more than 75% of the time. Given the nature of operations at the time, Bradley said these figures did not surprise him. For comparative purposes, the company also introduced a time study of a single outlander after the changes outlined above. He was occupied a little more than 62% of the turn.

As I noted at the hearing, it is important not to give too much significance to this new time study. In crew size cases, the issue is not merely the number of people it takes to perform a job. Rather, as a local working condition, an established crew size is protected (even if fewer employees could perform the work) unless the company can point to some change in the basis for the crew size. Thus, the fact that one person working about 62% of the time can do the work required of an outlander (at least on that one turn) is not, by itself, significant. The company, however, did not introduce the time study for that purpose.

The 1991 study was intended to demonstrate that, prior to the changes outlined above, there was sufficient work to occupy most of the working hours of two outlanders. By contrast, after the changes, one outlander could comfortably perform the required work. The time studies, then, are comparative and are intended to show that the changes, in fact, had the effect of reducing the outlander's work load.

The union protests that time studies capture only a moment in time and that they are not necessarily representative of the typical work in a department. There is no question about the accuracy of that

observation. It is, in fact, possible for a time study to misrepresent the typical activities of a job. The company, for example, might study a job on a turn in which employees had little to do either because maintenance work had been performed on a previous day or because production was down or because production was atypically trouble free. In such instances, a study of more than one turn would better capture the activities of the job.

There is little reason, however, to question the studies at issue here. At least, there is no reason to question the recent study which showed that the work load had fallen. Union witnesses may not remember everything that happened the day of the study, as Mr. Robinson argued, but they should have remembered if the day studied was atypical. There should also be records to indicate whether production was unusually light on that day, which the union could have gotten from the company.

I am not unmindful of the dangers of relying on time studies, especially when they measure only brief periods. I do not base my decision in this case solely on the time study. In fact, the time study alone would not have convinced me.

But I was impressed with the company's evidence which detailed the extent of work reduction for the outlander. That testimony is buttressed by the comparative time study, which shows a significant difference in work load following the changes. Because of both kinds of evidence, I find that the company has carried its burden of demonstrating that the volume of work for the bottom outlander was reduced as a result of changes to the process and that the company was, therefore, justified in its decision to reduce the crew to four employees.

AWARD

The grievance is denied.

/s/ Terry A. Bethel

Terry A. Bethel

August 26, 1994

<FN 1> A second time study after the change indicated that the deck operator was busy about 2/3 of the time, including the added duties.