

Award No. 898
IN THE MATTER OF THE ARBITRATION BETWEEN
INLAND STEEL COMPANY

and

UNITED STEELWORKERS OF AMERICA
LOCAL UNION 1010

Arbitrator: Terry A. Bethel

April 30, 1995

OPINION AND AWARD

Introduction

This case concerns changes made by the company in work assignments after it centralized pugh ladle maintenance and repair to a renovated facility in the old mold foundry. The case was tried on February 13, 1995 at the company's offices in East Chicago, Indiana. Pat Parker represented the company and Mike Mezo presented the case for the union. Both sides filed pre-hearing briefs and submitted the case on final argument.

Appearances

For the company:

P. Parker -- Project Rep., Union Relations

L. Busch -- Mgr., Steelmaking-Raw Materials

P. Roth -- Customer Service Rep., MHS

K. Fodness -- Sec. Mgr., No. 7 Blast Furnace

N. Hubble -- Proj. Mgr., Blast Furn. No. 2&3

N. Sucevic -- Sen. Planner, MHS, Rail Service

M. Saboff -- Supervisor, MHS Rail Service

For the union:

N. Mezo -- President Local 1010

J. Robinson -- Staff Rep. USWA Dist. 31

P. Wolski -- Griever

M. Beckman -- Steward

L. Aguilar -- Vice Chair Grievance Comm.

A. Jacque -- Chair Grievance Comm.

R. Furdo

L. Blecher

K. Deel

J. Carpenter

C. Ford

O. Taylor

S. Maskalick

R. Fernandez

Background

As noted, this case concerns the company's decision to change the way in which it maintains pugh ladles. Keith Fodness described the process prior to the change complained of here. Before renovation of the mold foundry, work on the pugh ladles occurred in four different areas. The primary function of the employees at the north kish pit was cleaning the noses and kishing ladles on the run. A secondary function was to de-brick pughs that had reached the end of their lives and needed substantial maintenance. After the ladles were debricked, they were sent to the skulling building where the lips were rebuilt and any other necessary maintenance was performed. Work would also be performed on truck assemblies at this time. Once the work at the skulling building was complete, the ladles would be taken to the mason building. There, masons would gun the outside of the pugh ladle and would then take it inside and install a refractory lining. When that was complete, the pugh ladle would then be taken to the south kish pit for drying and heat up. In addition, the south kish pit was used for frozen loads. Once the ladle was brought up to temperature, it was returned to service and, as noted above, was maintained on the run primarily at the north kish pit.

Most of the work at the north kish pit was performed by a utility man, a member of the auxiliary sequence. In addition, there was a gradal operator, who would chip out frozen loads and perform other tasks. The gradal operator spent 90-95% of his time working on pugh ladles. Utilitymen also did the majority of the work at the south kish pit, though they were sometimes supported by laborers. Masons did the work of

gunning material onto the outside of the ladle and putting refractory lining inside. Fork lift operators would assist them in the brick relining process.

Fodness testified that this was an inefficient arrangement. In order to be serviced, the pugh ladle had to travel from the north kish pit to the skulling building to the mason building and finally to the south kish pit. Because of the separate functions performed at each location, employees sometimes had to sit and wait for the ladles to come to them, a process that was sometimes complicated by winter conditions. The company began looking for a site to move everything under one roof as early as 1986. In addition to efficiency, the company was motivated to change because of an EPA regulation that limited its ability to burn outside at the south kish pit. According to Fodness, the law required a fume collection device to capture emissions. The company finally settled on the mold foundry, which allowed pugh maintenance to be done on an assembly line operation. Reliance on MHS was no longer necessary to move the ladle from one step to the next. Fodness said that the mold foundry needed substantial refurbishing, including removal of old equipment and installation of new equipment and the addition of tracks. There is no question that the company moved to the mold foundry some of the equipment that the employees had previously used at one of the four locations described above.

Neil Hubble testified about the work that was formerly done in the skulling building, which forms the focus of the dispute about the work of craftsmen. Hubble described in some detail the work performed when a pugh ladle came in for a reline, most of which was done by mechanics assigned to no. 2 blast furnace. Hubble said there were three mechanics and one welder whose primary work was on pugh ladles. In addition, there were other mechanics and welders assigned to the skulling building who did repair and maintenance work on the sintering plant, no. 5 and no. 6 blast furnaces, the ore bridges, the ore cars on the highline, the coke cars, and scale cars in the stock house. In addition, the mechanics would occasionally call a blast furnace motor inspector if a pugh ladle needed such repair. Hubble said that mobile maintenance mechanics also occasionally worked on pugh ladles in the skulling building and that fab shop boilermakers had also done some work.

On direct examination, Hubble said that, though pugh ladles and ore cars are different, the work involved on each is basically the same. Also similar, he said, is the work done by position rated employees at the rail car repair shop. The trucks and axles are the same on all rail cars, he said, though the barrel is different. This affects where the employees weld and rivet, but that doesn't make the work appreciably different. Hubble said that, while the rail car repair facility performs similar work, the employees there could not work on pugh ladles because the rail car repair facility does not have the necessary jacks.

When pressed on cross examination, Hubble seemed less certain about the extent of the activities of employees at the rail car repair shop and about how their work compares to the repair and maintenance work performed by craftsmen on pugh ladles in the skulling building. He did acknowledge that rail car repair shop employees do not work on any rolling stock where the body of the car rotates like the pugh ladle. Thus, those employees do not work on the same type of turning mechanisms that craftsmen confront on the pugh ladles. On rebuttal, however, he testified that all of the work on gearing mechanisms constituted less than 10% of the time mechanics spent on pugh ladles.

Pete Roth has substantial familiarity with the work performed by rail car repair shop employees. He said their work ranges from minor repair of steps or safety equipment to major rebuilds. He testified that the mechanical repairs performed on pugh ladles do not differ significantly from the work done at the rail car repair shop. The work on safety equipment is almost the same. Also quite similar is the rebuilding of truck assemblies. He acknowledged that the trucks on pugh ladle cars are not tied together as are other rail cars in the plant and that pugh ladles have two sets of trucks on each end, unlike other rail cars. In addition, the trucks on pugh ladles are "more heavy duty" than other trucks. Even so, he said the equipment is basically the same and that the work to repair them is the same. He acknowledged on cross that rail car repair shop employees do not work on electrically motorized cars, like pugh ladles. He also said that, while field car repairmen had occasionally worked on pugh ladles, they had done so only in emergency conditions.

Lee Busch, manager of steelmaking-raw materials, testified about the company's new pugh ladle repair facility. Busch said there are three distinct areas in the facility. The west side is known as the hot maintenance area. Activities there include a pig machine, which converts hot metal into cold pigs and a dekishing area, which removes slag or debris or carbon materials that have sunk to the bottom of the ladle. There is also an area to clean noses and an area for many necessary burning. Busch said there is also one "cold" function on the west side, which is to cool and debrick the ladle.

The cold side is designed to take ladles that have been cooled down and repair them so they can be returned to hot service. Activities there include cleaning out the ladle and gunning it or putting in new brick. Other

maintenance items are also handled. There is also a forced air dryer to dry out the ladle. The ladle is then transferred outside and put into a hot bank, which is the third area of the new facility. In addition, transportation can drop off ladles in the hot bank area when they come to pick up hot ones.

The new facility was constructed in the old mold foundry at a cost of about \$1.3 million. In addition, Busch estimated that the company will have to spend another \$200,000 in order to get the emissions system working properly.

Busch contrasted the way pugh ladle repair was performed previously with the operations that now take place at the new facility and asserted that the new procedures are much more efficient. Rather than moving pugh ladles to various places around the Harbor Works, the renovated mold foundry building allows "one stop shopping," where every necessary task can be completed in one area.

Article 13, Section 21 sets forth the procedures to be followed when management creates a new facility.

The company asserts that this provision governs this case and accordingly, notified the union that it had manned the facility by creating a new three step Pugh Ladle Repair Sequence, which consists of a ladle liner helper, a ladle repair utilityman, and a repairman. The ladle liner helper runs the trackmobile and the RC crane and, basically, assists the mason in the rebricking of the pugh. Previously, this work was done by employees in the auxiliary sequence. The utilityman helper ran the trackmobile and, though there was no RC crane, there was a short time when the utilityman (not the helper) operated one.

The ladle repair utilityman is responsible for kish turn repair and runs the pay loader, the gradal, the overhead crane and other tasks on the hot side of the facility, though they can also assist the masons on the cold side when necessary. Previously, the kish turn repair was performed by a variety of employees, including the maintenance turn crews (mechanics and electricians), by auxiliary sequence employees, and by field car repairmen. Removing of the kish from the pugh ladle was done by the utilityman helper and the gradal operator. The gradal operator was a class 14 employee.

The repairman does structural repairs to the car, minor welding and minor electrical work on the motors.

The structural car repair in the previous facility was done by no. 2 blast furnace mechanics. Some minor work (like a knuckle or draw bar) was performed by maintenance crews and by field car repairmen.

Structural work, however, was done by mechanics (job class 18) and even minor welding was done by the welders. The electrical work was done by electricians. As to the electrical work, Busch testified that the motors are small and "not very complex." Pugh ladle repairmen have to be able to tell when the motor needs work and either replace the wiring or change the motor. In the near future, the wiring replacement may be changed to a simple plug-in system.

Busch said the positions were filled according to the requirements set forth in Article 13, section 21. He said the company elected to go with one rather than multiple sequences because it would increase efficiencies. Previously, people sometimes waited for other tasks to be performed before they could begin work. Now, the company has the flexibility to move the people to where the work is. In addition, Busch said he cannot always predict whether there will be pughs available to work on, or how much work will be demanded, a consequence of the company's decision to use pugh ladles for hot metal storage.

Busch said he hopes that the change to a more efficient method of pugh ladle maintenance will allow the company to realize more tonnage with each ladle, a benefit some competitors have achieved. Busch said there have already been some gains in this area, and that he thinks more will come. Finally, the new facility allows the company to perform all necessary functions around the clock. Previously, the company was limited to kishing mostly on day turn.

On cross examination Busch said the company's primary motivations in creating the new repair facility were both efficiency and the collection of emissions, which had been mandated by EPA. Busch denied that one of the efficiencies that motivated the company was to have the work performed by lower paid employees, though it did achieve that effect. He acknowledged that, though the company spent \$1.3 million converting the mold foundry, most of that was for labor and not capital equipment. In fact, he said the most significant equipment added was the rail road tracking system throughout the mold foundry, which allowed what he had characterized as an assembly line operation. He also discussed the new dryer which, though similar in some respects to the old one, had more sophisticated controls and worked better than the old one. Under questioning from the union's representative, Busch acknowledged that there was no real change in the work that is done on pugh ladles, but the new facility and the combination of jobs have allowed the company to do it differently and more efficiently.

Mr. Mezo also quizzed Busch about welding, since he testified that "simple welding" is now being performed by the position rated employees in the pugh ladle repair facility. Busch said that he understood simple welding to mean putting weld on a piece of steel to hold it in place, as opposed to extensive

welding, which he described as sealing "all the way around" or adding support to a structure. Most of the work on pugh ladles, he said, are simple welding, though he acknowledged that blast furnace welders did this work before the change. He said that extensive welding occurs "very seldom" and would include fixing a hole in the side of the ladle and trunion shaft build-up. He added that he would use a welder if welding was necessary "all day."

Jim Robinson testified for the union about its understanding of Article 13, section 21, which the company relied on to staff the new pugh ladle repair facility. Robinson argued that the meaning of the term "new facility" can be gleaned from the bidding order established by categories within section 21. For example, the first category, contained in mp 13.100 says that the first employees entitled to bid are those "displaced from any facility being replaced in the plant by new facilities." Robinson said that 4 BOF was an example of this category. The BOF replaced the open hearth and employed substantially different equipment and new technology, though the new facility accomplished the task formerly performed at the old one. This paragraph, he says, applies to situations in which employees' jobs are "directly" replaced with jobs in a new operation.

The second category of bidders are those "being displaced as the result of the installation of new facilities." Robinson said that this category is to be distinguished from the first category. The first category relates to process or technological changes. By contrast, the second one deals with physical changes, like tearing down an old facility and putting up a new one in the same place. The third category relates to "employees presently employed on like facilities in the plant." Robinson said that this category includes situations where the old facility continues to operate, though a similar new facility also comes on line. The thinking here, Robinson said, is that eventually the old facility will give way to the new one and section 21 allows employees in the old facility a chance to bid to the newer one. No matter which of these three paragraphs applies, Robinson argued that some new process, new equipment, or new technology is necessary.

Louis Belcher testified about the work formerly done in the sculling building by mechanics. He explained both the structural work and the work performed on the gearing mechanism. The latter work, he said, is not done by anyone else at the plant. He acknowledged that rail car repair employees do structural work and work on trucks that is similar to the work that had been performed by mechanics on pugh ladles. In fact, the company's representative took Belcher through a comparison of his duties and the work described on the rail car repairman job description. Belcher said there had been three mechanics whose primary assignment was on pugh ladles, though they also worked on slag pots. Belcher said mechanics could no longer work on pugh ladles in the skulling building because the jacks have been moved to the mold foundry. He said that the equipment in that new facility is the same as equipment he previously used.

Ray Fernandez' testimony was in two parts. First, he identified a group of grievances the union has filed over the performance of pugh ladle repair work by mobile maintenance craftsmen. The company defends its action, in part, by claiming that blast furnace craftsmen did not perform pugh ladle repair work exclusively and part of its evidence is that mobile maintenance craftsmen have sometimes done the work. This testimony, then, was apparently intended to show that the union has taken steps to protect what it regards as the exclusive work of blast furnace craftsmen.

Fernandez also testified about the work he did in support of pugh ladle maintenance prior to establishment of the new facility. As a fork lift operator, he said that he spent as much as 50% of his time supplying the masons who rebricked or gunned the ladles. He worked in and around the mason building and at the north and south kish pits. On cross examination, he acknowledged that employees from other sequences sometimes operated a fork lift.

Otis Taylor testified about the occasions he spent as a gradal operator at the north kish pit. He disagreed with the claims of company witnesses that work on pugh ladles occupied a relatively small amount of his time. To the contrary, he said work on the pugh ladles kept him fairly busy, though he acknowledged on cross examination that there were days when there were no ladles to work on. He also said that his work on slag pots was similar to what he did on pugh ladles.

The union's final witness was Steve Maskalick, a welder in the new pugh ladle repair facility. He rebutted company evidence that repairmen in that facility have not performed significant welding. He said he has seen repairmen weld cracks in pugh ladle bodies and weld patch plates over holes.

Discussion

I turn first to the question of whether the pugh ladle repair facility in the old mold foundry is a "new facility" as that term is used in Article 13, section 21. Although that section uses the terminology, it does not define it.

It is true that in this case, the company moved equipment already in use (or bought like replacement equipment) to a new location and then used it to accomplish exactly the same work that had been done before. This is the union's primary argument that the facility is not "new." The union says it is the same old stuff in a different location which itself is not new, but is merely a building that had previously been used for a different purpose. There is some attraction to that argument. A mere relocation of equipment or facilities doesn't make them "new," at least not in the sense implicated in this case. Of course, any new location may be new to the company, but the issue in this case is the protection of the seniority rights of employees. Even though the work might be moved, employees retain their rights unless the company has created a "new facility."

I have considered Robinson's testimony about the meaning of the priorities established in section 21. Though the priority issue is not before me, I have no quarrel with Robinson's explanation about the meaning of the priorities. But I have considerable question about the extent to which these bidding categories are determinative in establishing whether a facility is "new" as that term is used in section 21. At least, I question the extent to which they are the exclusive method for testing that requirement.

On their face, the categories seemingly have nothing to do with determining whether a facility is new. Rather, they determine the order in which employees will be able to bid into a facility that is new. Thus, these categories operate after the fact, once the determination is made that the parties are dealing with a new facility. Of course, the union's argument is that the priorities were established with an eye toward the situations in which they were to be used. That is, the parties had certain criteria in mind for a "new facility" and those criteria are reflected in the priority. This argument obviously makes sense. No doubt the parties did bargain Article 13, section 21 with an expectation that not every change in the plant would be a new facility which would change the seniority rights of employees. And, the creation of the priorities indicates that they expected facilities to be "new" in those kinds of cases. But it doesn't follow that there must be employees in one of the first three or four categories in order for a facility to qualify as "new."

Section 21 starts out by discussing the manning of "new" facilities, and it then identifies subparagraphs (1) through (5) as the categories which list the order of bidding. It certainly makes sense to think that the first employees in line to bid are those whose jobs disappear because the facility where they work is replaced by a new one. Similarly, it makes sense to think that employees on similar, but continuing facilities would be in line behind those whose former jobs have actually disappeared. But I find nothing in section 21 which indicates that a job has to disappear or that a previous facility has to be discontinued in order for a facility to be "new." In short, section 21(a) is more concerned with the procedure of manning than the definition of "new facility."

This reading is not inconsistent with Arbitrator David Cole's opinion in Inland Award No. 584, on which both parties rely. In determining whether the addition of soaking pits to an existing facility constituted a "new facility" he said

It seems to me that the new facilities [the parties] contemplated consist of premises, or substantial items of machinery or equipment not previously used in the company's operations which when put into use have the effect of directly causing the displacement of employees in previously established facilities.

I do not disagree with what Arbitrator Cole said there. I also recognize that in the next sentence he made reference to technological change. But he also recognized that a new facility could consist of premises, a word he separated from machinery and equipment with the word "or." Thus, Cole's opinion seemed to contemplate the possibility that a new -- or in this case -- reconfigured building might qualify as a new facility.

It is not difficult to determine that a facility is "new" if it includes new equipment or new technology or if it is located in a newly constructed building. That, in essence, is the situation faced by Arbitrator Cole in Award 584. In this case, the company did not merely move work from one place to another because it needed the old space. To the contrary, it moved work from several locations and combined it in one location in order to achieve substantial efficiencies of operation. I was impressed with testimony that the new facility allows the company to achieve an "assembly line" operation, instead of the old method in which pugh ladles might be scattered over several locations, sometimes awaiting transportation from one point to another.

Regardless of who does the work, the centralization of it into one area is, in itself, a significant improvement. I am also impressed by the fact that, while the company did not purchase significant capital equipment, it did spend over a million dollars preparing the old building for its new function. Finally, I have doubts about the union's claim that the emissions control system is not a technological improvement.

Although it doesn't change the way in which the work is performed, it does modify the conditions under which it can occur. Moreover, the fact that this change was mandated by the EPA doesn't mean that it isn't a

technological improvement. Not all changes in the work environment are made for reasons of efficiency. Some of them are required by the government.

Because I think the pugh ladle repair facility is a "new facility" as that term is used in Article 13, section 21, the union agrees that I need not consider the claims of the grievances that relate to position rated jobs. I turn, then, to the union's claim that the company acted improperly when it dispersed the work of craft employees -- mechanics, motor inspectors and welders -- to position rated employees, a claim governed by Article 9 and the Job Description and Classification Manual.

At the outset, the union places significant reliance on Inland Award 882, in which I found that the company had violated the contract when it transferred certain work to a different location. The company vigorously asserts that Award 882 is simply wrong and that it incorrectly interpreted previous practice in the industry. Whatever the merit of Award 882, it has no relevance to a determination of whether work belongs in a particular craft.

Award 882 addressed a different issue. There, the question was whether a group of employees had obtained the right, as a local working condition, to do particular work. The standard in such cases is whether a certain seniority sequence has performed a certain body of work with reasonable consistency and exclusivity. The fact that other employees in the plant perform similar work is important, but not necessarily determinative. In this case, by contrast, the issue is not merely which seniority sequence has the right to a particular body of work. Rather, it is whether certain types of work are restricted to a particular craft and, therefore, cannot be done by position rated employees, wherever they might be found. Thus, the fact that position rated employees elsewhere in the plant have traditionally done the same work is important to a determination of whether certain tasks "belong" to a craft, whether or not such facts prove determinative in local working conditions cases.

As the union sees this case, the determinative question is whether the work transferred to position rated employees in the new sequence was craft work, so that the company's action can be characterized as dispersing the work of the craft. The union, of course, argues that it is craft work, pointing to the fact that craftsmen did the work exclusively in the repair and maintenance of pugh ladles. Although the union does not deny that position rated employees performed some of the same duties in the rail car repair facility (which is not to say that the union agrees that such work was identical) it dismisses that fact as irrelevant. As Mr. Mezo said in final argument, duties don't fail to become craft duties because there are similar duties elsewhere in the plant, "they fail to become craft duties only if another job has performed the designated work." In this case, Mezo said, mechanics, electricians and welders have performed repair work "associated with pugh ladle repair" and that distinct body of work, therefore, has become work of those crafts.

In advancing this argument, the union places significant reliance not only on Award 882, but also on Arbitrator McDermott's opinion in Inland Award No. 759, a case that probably hurts the union more than it helps. I have already indicated that I think Award 882 involved a different issue. In Award 759, the company had assigned certain refrigerator repair work always performed by one craft to mechanics, who had seldom done the same work. Although the case did not involve dispersal of craft duties to position rated jobs, the principles are similar because the arbitrator noted that duties cannot be taken from a craft and distributed elsewhere because to do so "would destroy the unique craft status in violation of . . . Article 9 and the Manual. . . ." In discussing the nature of craft duties, McDermott authored language which forms a basis of the union's argument here. Duties, he said "got to be the duties of a given craft, not because they are easy to do, but because the craft performed them, exclusively. . . ."

In Award 759, then, McDermott noted that the issue was the extent to which mill mechanics had performed "meaningful air-conditioning work" over the years which would, as the company argued, destroy the refrigerator repairmen's claim of exclusivity. In making that determination, McDermott did not just look to the air conditioners in No. 7 blast furnace, which is where the dispute arose. Rather, he looked at the incidence of mechanics performing such work "in the plant" and, though he found a few such occasions, he decided that they were not sufficient enough to undermine the exclusivity of refrigerator repairmen.

Although the case recognizes the principle of exclusivity and though it notes that isolated incidents will not defeat the claim, the manner in which McDermott made the comparison hurts the union in this case. The evidence in the instant case demonstrated a few examples of field repairmen doing emergency work on pugh ladles and some disputed assignments to mobile maintenance mechanics (presumably the same craft, though a different sequence). Those examples probably would not be enough to undermine the exclusivity of the grievants' work on pugh ladle oars, were that the relevant comparison. I have difficulty, however, in making the exclusivity determination solely with reference to pugh ladles.

It is the pugh ladle work, of course, that the union claims and, because nothing else is quite like a pugh ladle, the union asserts that it is appropriate for me to look only at the work done on those cars. In Award 759, however, the very case cited by the union, McDermott did not look solely to certain air conditioners. Rather, he looked at air conditioners in general, though he properly excluded a comparison to certain similar equipment. It is appropriate to do the same thing here.

No one in this case questions the nature of craft work, in which employees are paid for their skills and not necessarily for the work they do on daily assignments. Moreover, there is no question that craft employees performing tasks near the bottom of the skill level are entitled to be paid the same as craft employees whose daily work involves the most sophisticated duties of that craft. Even so, the question remains whether the work the employees do is a part of those craft duties. Obviously, work becomes associated with the craft because craft employees do it, but it does not follow that all of the work done by craft employees is craft work.

Significant in this regard are several cases relied on by the company. In Bethlehem Steel Corp. Decision No. 1440, for example, Arbitrator Seward considered whether management had improperly broken out work from a craft when it assigned certain maintenance and repair work formerly performed by craftsmen to a newly created position rated repair job. There, as here, the union urged that because of the practice of assigning the work to the craft employees, it had become part of the craft job. The arbitrator denied the grievance, finding it significant that the same type of work had been assigned to other jobs. Similarly, in United States Steel Corp., American Bridge Division, Case No. AB-211, the arbitrator denied a similar grievance because he found that "other classifications have performed such tasks." And in Pittsburgh Chemical Co., Division of United States Steel Corp., CD-34, the arbitrator found that the work of changing liquor screens, though always performed by pipe fitters, was not part of the craft because other personnel in the plant also cleaned screens and filters. To be contrasted with these cases is United States Steel Corp. Case No. USC-419, in which the arbitrator found that the work at issue had always been performed by the craft and not by other, position rated employees.

There is little question in this case that position rated employees in the rail car repair shop had regularly performed work of the same nature as most (but not all) of the work that blast furnace mechanics performed on pugh ladles. The testimony was that pugh ladles are a type of rail car and, save for a few matters, they operate the same way and present the same type of work as all other rail cars. Even a union witness acknowledged that rail car repair employees performed structural and maintenance work that was about the same as the work performed by blast furnace mechanics on pugh ladles. Roth testified without rebuttal that the mechanical repair work on rail cars and the work on truck assemblies was about the same as the work blast furnace performed on pugh ladles.

There was, however, testimony that no one in the rail car repair shop works on gearing mechanisms similar to those found on pugh ladles, which apparently are unique at Inland. I understand the company's claim that this was only a minor part of the work performed by mechanics, but I fail to see how that makes any difference. It was clearly craft work and I fail to see how the company has the right to assign it to position rated employees. In addition, there was testimony that rail car repair shop employees do not perform any electrical work, all of which was formerly done on pugh ladles by motor inspectors. Busch said that the company hopes to install a plug in system to replace the wiring in the near future. To date, however, there is no such system and, whatever the effect of such change on the company's ability to make assignments, there is no question that the company has given work of the motor inspector craft to position rated employees.

The most difficult evidence to deal with concerns welding. The company claims that it is appropriate to assign minor or simple welding to the new repair classification, as long as it reserves extensive welding for the welders. From the state of the record I am unable to determine the extent to which rail car repair shop employees engage in welding, though there is no doubt that their job includes such work. Moreover, I am unsure about the difference between extensive welding and minor welding. The matter is even further complicated because welding is surely work that falls within the welders' craft. The union did adduce testimony that employees in the new facility are welding cracks in the bodies of pugh ladles and are welding patch plates onto the body, work which Busch's testimony seemed to classify as extensive, and not simple, welding. Absent evidence that other non-craft employees perform such work, I fail to see the justification for assigning it to position rated employees. Given the sparsity of the record on the extent to which non-craft employees perform welding and the justifications for doing so, I am unable to say more about this issue.

AWARD

The pugh ladle repair facility is a new facility, as that term is used in Article 13, Section 21. The grievances of the position rated employees, therefore, are denied. The grievances of the craft employees are sustained, but only to the limited extent outlined in the last two paragraphs of the opinion.

/s/ Terry A. Bethel

Terry A. Bethel

April 30, 1995