

3-3-1971

United States Steel Corporation Western Steel Operations Fairfield Works and United Steelworkers of America Local Union 1733

Sylvester Garrett
Chairman

Alexander M. Freund
Arbitrator

Follow this and additional works at: http://knowledge.library.iup.edu/garrett_series

Recommended Citation

Garrett, Sylvester and Freund, Alexander M., "United States Steel Corporation Western Steel Operations Fairfield Works and United Steelworkers of America Local Union 1733" (1971). *Arbitration Cases*. 46.
http://knowledge.library.iup.edu/garrett_series/46

This Article is brought to you for free and open access by the Sylvester Garrett Labor Arbitration Collection at Knowledge Repository @ IUP. It has been accepted for inclusion in Arbitration Cases by an authorized administrator of Knowledge Repository @ IUP. For more information, please contact cclouser@iup.edu, sara.parme@iup.edu.

BOARD OF ARBITRATION

Case No. USS-7848-S

March 3, 1971

ARBITRATION AWARD

UNITED STATES STEEL CORPORATION
WESTERN STEEL OPERATIONS
Fairfield Works

and

Grievance No. SFRS-69-24

UNITED STEELWORKERS OF AMERICA
Local Union No. 1733

Subject: Safety

Statement of the Grievance: "In the Ensley Works we are short of employee's in the gang, still the foreman require us to do the work of a full gang. With only four employee's to lift rail that weighs 1300 lbs, I consider it unsafe and too hard on the employee's.

"Remedy Requested: Combine both gangs so they will be large enough to get the job done safe and right the first time."

Contract Provision Involved: Section 14 of the August 1, 1968 Agreement.

Grievance Data:

	<u>Date</u>
Grievance filed:	August 1, 1969
Step 2 Meeting:	Not available
Appealed to Step 3:	October 22, 1969
Step 3 Meeting:	November 13, 1969
Appealed to Step 4:	December 23, 1969
Step 4 Meeting:	April 9, 1970
Appealed to Arbitration:	May 21, 1970
Case Heard:	November 10, 1970
Transcript Received:	No transcript

Statement of Award:

The grievance is dismissed.

DISCUSSION AND FINDINGS

USS-7848-S

This grievance from the Maintenance-of-Way Department of the Transportation Division at Fairfield Works claims that Track Laborers are required to work in short gangs thereby jeopardizing their safety and health.

1

No one particular incident gave rise to the grievance. According to the testimony of Track Laborer Joseph Murray, the grievance was initiated by an employee who complained that the use of less than full gangs to repair tracks damaged by wrecks entails lifting so heavy as to cause back injuries. (The employee has since quit after about a year's service.) Murray explains further that wrecks occur almost daily; and inasmuch as on four days of the week only one of the two track gangs working in the vicinity of the Ensley Plant is scheduled, it becomes very frequently necessary to split a track gang, three or four men being sent to handle the damage from a wreck unless a very large wreck is involved.

2

The specific hazard in such situations which Murray points to is in manually moving 39-foot rails, each weighing 1300 pounds, with only four men. Murray, who has worked 20 years in the track gang, agreed on cross-examination that four men have historically been assigned to position 39-foot rails in place by lifting one end of the rail at a time with rail dogs and dragging it along the ground. He believes, however, that if inexperienced men are in the gang, six men are required to perform this task safely. And the remedy the Union requests is that all track gangs dispatched to handle wrecks include at least six Track Laborers so that the number of men necessary to move 39-foot rails safely be available.

3

The Company's main witness, General Foreman Fred Love, responds that inexperienced gang members can handle 39-foot rails safely under the direction of a track gang foreman. Aside from this, however, the record simply does not support the remedy of the assignment of a minimum of six track gang members to every wreck. An obvious consideration against such a remedy, for example, is the fact that rails are not damaged in all wrecks. Thus rails do not have to be replaced in approximately 30 percent of the wrecks, according to the Company's testimony. In such cases the work entailed may be respiking of rails to the ties, regauging, or setting upright track that has been

4

turned over in the wreck.

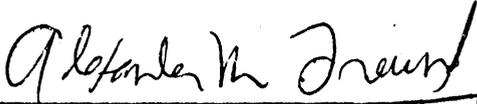
Furthermore, not all track replacement requires the use of 39-foot rails. Love testified that 20 to 25 percent of all rails used at Ensley are short rails. Additionally, if more than five rails have been damaged, track service equipment is used on the job. Finally, the Company's testimony makes it very clear that it does not expect four men to lift manually a 39-foot rail clear off the ground (that is, both ends at the same time).

Accordingly, there is no basis for a finding that the use of short track gangs in wrecks, per se, create working conditions which are unsafe beyond the normal hazards inherent in the Track Laborer job. As the Company points out, the grievance presents a broad claim of unsafe conditions unsupported by specific fact situations. The grievance will therefore be dismissed.

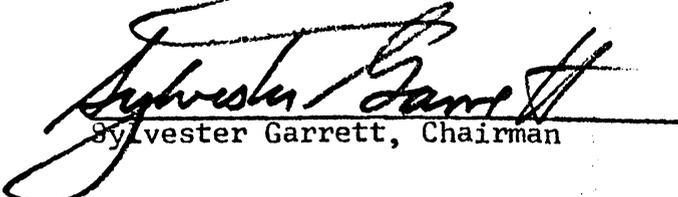
AWARD

The grievance is dismissed.

Findings and Award recommended by


Alexander M. Freund, Arbitrator

This is a decision of the Board of Arbitration, recommended in accordance with Section 7-J of the Agreement.


Sylvester Garrett, Chairman