

3-9-1971

United States Steel Corporation Western Steel Operations Gary Works and United Steelworkers of America Local Union 1066

Sylvester Garrett
Chairman

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

Recommended Citation

Garrett, Sylvester, "United States Steel Corporation Western Steel Operations Gary Works and United Steelworkers of America Local Union 1066" (1971). *Arbitration Cases*. 56.
http://knowledge.library.iup.edu/garrett_series/56

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

Cases USS-7937-S,
-7938-S

March 9, 1971

ARBITRATION AWARD

UNITED STATES STEEL CORPORATION
WESTERN STEEL OPERATIONS
Gary Works

and

UNITED STEELWORKERS OF AMERICA
Local Union No. 1066

Grievance Nos.
SGa-68-499,
SGa-69-85

Subject: Discipline

Statement of Grievances: Grievance SGa-68-499 (USS-7937-S):

"I, E.N., charge Management with violation of Sections 1, 4, 8 and 9 of the Basic Labor Agreement. The reprimand handed me on 11-20-68 was unwarranted. Therefore, I request that it be removed from my record.

"Same as above.

"That the Grievant's request be granted and be paid all monies lost."

2.

USS-7937-S,
-7938-S

Grievance SGa-69-85 (USS-7938-S):

"I, E.N., claim Management is in violation of Sections 8 and 9 of the Basic Labor Agreement. The reprimand handed me on 2-16-69 was not warranted. Therefore, I request that it be removed from my record.

"Same as above.

"That grievant's request be granted and he be made whole for all monies lost."

Contract Provisions Involved:
1968 Agreement.

Section 8-D of the August 1,

Grievance Data:

	Date	
	SGa-68-499	SGa-69-85
Grievance filed:	Nov. 26, 1968	Feb. 20, 1969
Step 2 Meeting:	Feb. 6, 1969	Mar. 12, 1969
Appeal to Step 3:	Feb. 11, 1969	Mar. 18, 1969
Step 3 Meeting:	Mar. 17, 1969	June 16, 1969
Appealed to Step 4:	Apr. 10, 1969	July 2, 1969
Step 4 Meeting:		Apr. 15, 1970
Appealed to arbitration:		July 21, 1970
Scheduled for hearing:		Oct. 21, 1970*
Case heard:		Feb. 11, 1971
Transcript received:		Mar. 1, 1971

* Postponed at request of Company

Statement of Award:

The grievances are denied.

BACKGROUND

Cases USS-7937-S,
-7938-S

These two grievances by Roll Grinder E. N., from the Roll Shop of the 84" Hot Strip Mill at Gary Works, protest two suspensions given in November of 1968 (one day) and February of 1969 (four days). Although processed separately in the grievance procedure, the two cases were combined for presentation at the time of hearing.

1

There was considerable evidence developed by both parties in the grievance procedure which was not covered in detail by the testimony of witnesses at the hearing. For convenience, however, it seems appropriate to quote from the 4th Step Minutes as follows:

2

Grievance No. SGa-68-499 (USS-7937-S):

"Grievant N. is a seniority listed Tool Grinder in the 84" Hot Strip Mill Roll Shop, with plant service from March 14, 1951. He was scheduled to operate #2 and #3 Roll Grinding Machines on the second shift 7 a.m. to 3 p.m. November 16, 1968.

"After going to his locker for his tools, cleaning his glasses and talking to other employees, the grievant arrived at his roll grinders at about 7:17 a.m. Rolls, from the previous turn were in both of his machines. Roll #322 in #3 machine was completed at about 7:30 a.m., but N. stood in front of #3 machine doing nothing so the General Foreman signaled the Craneman to change rolls in #3 machine.

"The Craneman then moved his crane over #3 machine, but N. disregarded the crane and walked to #2 machine and put oil in the journals which he could have done after he changed rolls in #3 machine. The Craneman waited over #3 machine for about five minutes and upon getting no signal from N., the Craneman moved his crane to the chucking rack to chuck rolls.

"The General Foreman again noticed that the roll in #3 machine was still idle, so he again signaled the crane to return to #3 machine and after about seven minutes, N. hooked for the crane in removing #322 roll and charging #323 roll into the grinder.

"After N. placed #323 in #3 grinder, General Foreman Knezevich told N. that he was taking too much time to change rolls. He told him that when the crane comes to the grinder, he should take the ground roll out and place another roll in the grinder and get it started. Knezevich also told N. that on the previous second turn (November 15, 1968) he had let roll #198 set in the grinder for 55 minutes after it was completed. He also told N. that it was part of his job to get the crane when the roll was completed in the grinder.

"N. then started #323 roll at about 8:30 a.m. and took 72 minutes to take .039 off of the roll.

"At about 8:40 a.m., roll #176 in #2 grinder was completed, but N. did not signal the crane to change rolls, so Knezevich signaled the crane to come to #2 grinder and N. took 12 minutes to take out #176 roll and charge #133, which should have taken less than five minutes. N. reground #176 roll two times after which Knezevich told him to remove the roll.

"N. then left roll #323 idle in #3 grinder for about 12 minutes, when Foreman Bland asked N. what was wrong, to which N. replied that he didn't know if the surface was good enough. N. then inched the roll around seven or eight times to show Bland the condition of the roll when Knezevich inspected the roll and told N. to take it out of the machine.

"Foreman Bland then got the Craneman, who was on the floor looking at the schedule, and told him to change rolls in #3 machine.

"When the Craneman came to #3 machine, N. again turned his back on the Craneman and made no attempt to signal the crane in removing the roll so the Craneman moved to #2 grinder.

"Upon noticing the crane go to #2 grinder, Knezevich signaled him to return to #3 grinder, which he did, and N. again disregarded the Craneman for about five minutes and then he signaled the crane to remove the roll and charged #184 roll.

"N. then ground a taper in #184 roll and Knezevich told him to adjust the tail stock to remove the taper, which he did, and sent the roll through the finishing cycle seven or eight times, without removing the taper.

"Knezevich then noticed that the machine was not set right, so he had Roll Grinder C. M. set it to remove the taper while N. was at #2 machine watching the roll being ground.

"When N. saw M. adjusting #3 machine, he asked Knezevich what was wrong to which Knezevich replied that he (N.) should have noticed what was wrong. M. then put the roll through the finishing pass on #3 machine and removed the taper. N. then removed his name from #3 roll grinding report and told Foreman Bland that if Knezevich was going to grind the rolls, he didn't want his name on the report.

"At about 12:30 p.m., Knezevich told N. to take #184 roll out of #3 machine and at 12:40 p.m., when N. had not taken the roll out, Knezevich got the crane to remove the roll. The Craneman, without signals, put the ground roll in the wrong rack, so N. walked over to the roll at a very slow pace and signaled the Craneman to put it in the right rack.

"Number 183 roll was then placed in #3 grinder at about 12:40 p.m. and at 12:50 p.m., Knezevich

noticed that the roll was still idle, and after a search found that N. had gone to his locker to get a wrench to adjust the wheel guard on the grinder. Knezevich then told N. that he had been told three times to start the grinders, and after about five minutes, N. walked to the grinder.

"At this time Knezevich jogged the head stock to determine if the grinder had power, but N. stood in front of the tail stock quill and wiped off the end of the roll instead of starting the grinder, upon which Knezevich took him to the office and told him that he was being sent home because he failed to take the rolls out of the machines when they were finished and he had to be told when to start the machines after the rolls were placed in the machines.

"N. was sent home at 1:00 p.m.

"The subject violation notice was issued to N. on November 20, 1968, carrying a discipline of suspension from duty on November 22, 1968.

"On one occasion during the turn, Knezevich noticed that N. was grinding crowned rolls instead of flat rolls that were needed in the mill, but N. made no attempt to change the grinders so Knezevich changed the dial setting on the machines.

"At the beginning of second turn, November 20, 1968, General Foreman Knezevich met with Assistant Grievance Committeeman W. Moore and

N. in the Roll Shop office. Mr. Knezevich told N. that his work as a Roll Grinder was not satisfactory. Mr. Knezevich stated that on second turn of November 15, 1968, #2 grinder had completed a roll and it took N. 55 minutes to change the roll. Mr. Knezevich also told N. that twice during the turn on November 16, 1968, he had disregarded the Crane Operator when he came to change rolls and left the crane hanging despite the fact that he had been told previously to get the rolls out of the grinder and get new rolls in the grinder.

"Mr. Knezevich told N. that on one occasion, before starting the grinder he put oil in the journal boxes on the neck rests, a job that could have been done while the grinder was operating.

"Mr. Knezevich also related that on November 15, 1968, N. had his lunch away from his work area and while he was gone, one of his grinders had made an X2 alignment and had gone all the way to the limit, causing the grinder to stop and N. was not near the grinder to make the corrections. Mr. Knezevich pointed out that he had to locate N. and tell him to make the correction. Mr. Knezevich also told N. that he has a habit of running the rolls through the finishing passes anywhere from three to thirteen (13) times and he had proof to show this.

"When asked what he had to say, N. stated that before he was sent home on November 16, 1968, he had just placed a roll in #3 grinder and then went to get a pipe wrench and was attempting to adjust the spacing on the guard in front of the wheel and the water spray pipe in front of the wheel, which he thought was necessary, to which Mr. Knezevich replied that he had talked to the Roll Grinder on the turn prior to this and had stayed after N. had been sent home and even though the adjustment was not made by the other Roll Grinders, they were able to get the rolls out.

"Mr. Knezevich told N. that he does what he wants to do and he doesn't care how many rolls he gets out, and he has no interest in keeping the mill rolling.

"N. also stated that Knezevich came close to hurting him on #3 grinder, and when asked by Mr. Knezevich as to how, N. replied that he was close to the roll when Knezevich started up the machine. Mr. Knezevich stated that on that occasion, he had spent an hour with Roll Grinder M. and an electrician in working on #4 Grinder and when he saw N.'s #3 grinder down for over 25 minutes, he went over after the roll was placed in the grinder and noticing that the driver was not hooked up to the roll, he just touched the jog forward button to see if the grinder had power. He said that at the time N. was running the quill of the grinder and he took his glove and wiped out the mark on the end of the roll, and he was in no danger when he (Knezevich) touched the button.

"General Foreman Knezevich told Mr. Moore that N. was sent home two hours early on November 16, 1968, for his poor work performance and if he continued to disobey the Foreman's instructions relative to the performance of his job, he would be taken off of the Roll Grinder job.

"In the Second Step discussion of this case, Grievant N. claimed that General Foreman Knezevich was picking on him, and after considerable discussion, Division Superintendent Stephan suggested that N. be scheduled on the same turn as Assistant Grievance Committeeman W. Moore, who is also a Roll Grinder in the 84" Roll Shop, so that Moore could observe whether or not Supervision was picking on N.

"However, following the Second Step meeting, N. refused to change his schedule to be on the same turn as Assistant Grievance Committeeman Moore."

Grievance SGa-69-85 (USS-7938-S):

"Grievant E. N., Ck. #31330, is a seniority listed Roll Grinder in the 84" Hot Strip Roll Shop with plant service from March 14, 1961.

"At the beginning of second turn, February 11, 1969, the Turn Foreman made an inventory of ground rolls in the Roll Shop, which is a normal practice, to keep the 84" Mill supplied with proper rolls in

consideration of rolling schedules. He also checked with the Roller to determine roll needs. The Foreman found there were six sets of ground rolls in the Roll Shop, three sets of which were for Tin Mill product and would not do for the Cold Roll product being rolled. He then told Roll Grinder Operators R. P., C. M., and E. N. which rolls that were to be ground.

"At approximately 8:30 A.M., the General Foreman asked the Turn Foreman if he had lined up the Roll Grinder Operators as to the rolls needed, to which he replied that he had. The General Foreman also asked each Roll Grinder Operator if they understood what rolls were to be ground. All of the Roll Grinder Operators replied they understood their assignments. Then N. asked the General Foreman what he was going to do about his bonus going from 23% to 17%. The General Foreman told N. that he had been lined up as to the rolls needed and he was expected to get out as many rolls as possible in order to keep the mill going.

"At approximately 11:15 a.m., the General Foreman returned to the Roll Shop, and asked the Turn Foreman how he was doing in keeping the mill supplied with rolls. The Turn Foreman replied that he was waiting for rolls to come out of the grinders to be chucked, but the mill was still supplied.

"At about 1:05 p.m., the General Foreman observed N. operating #4 and #5 machines and noticed that the roll in #5 machine was going through the finishing passes. After checking the grinder report, he found that this was the first roll put in this machine on this turn. (The roll had been in the machine for six hours.)

"When asked if he was having trouble, N. replied that the wheel was marking the roll on wheel approaches. N. was then told to re-calibrate the wheel when the next roll was put in.

"The second roll was put in the machine and N. re-calibrated the wheel. N. roughed out the second roll to the point where it was necessary to make a wheel approach for the finishing passes, but because he failed to re-calibrate the wheel, it made a hard approach and marked the roll. The General Foreman then told N. the wheel should be re-calibrated. The wheel was re-calibrated and the roll was completed.

"The General Foreman then got a Motor Inspector, who watched for the grinder to make a wheel approach. It came in properly. The Motor Inspector checked the diamond decrease circuit. He intended staying until the next wheel approach, but was called to the Mill.

"N. then put the third roll into the grinder, which was to be ground to mate with the second roll. By this time, the Roll Chuckers had caught

up with their work, and were waiting for the third roll to come out of #5 grinder. These rolls were for F₇, a finishing mill.

"N. made a wheel approach on the third roll without first calibrating the wheel and it made a hard approach on the roll.

"The General Foreman then operated the controls to move the carriage toward the head stock and operated the grinder in making a wheel approach to determine why the wheel was making a hard approach. He found that the wheel probe was too far back of the face of the wheel, indicating that the wheel was out of calibration.

"He told N. that the wheel was out of calibration and N. operated the controls in re-calibrating the wheel.

"N. was then asked if the roll had enough stock to mate with the previous roll. He replied that it had.

"N. then sent the roll through the finishing passes several times and all of the wheel approach marks were out of the roll, but half of the roll was full of chatter. He had put the roll through the finishing passes with little or no infeed. This caused the face of the grinding wheel to fill up with grit and the wheel 'pounded' instead of cutting and caused 'chatter.'

"N. was asked what size the roll was, and he replied it was .008 to .010 within the mate. The General Foreman then asked for the actual size, but was given vague answers. Upon checking the grinder report, he found that the roll was .008" smaller than its mate, and the roll had to be reground because of chatter.

"When told that the roll had to be reground, N. replied, 'Why don't you make up your mind what you want.' The General Foreman replied he was here to help him, but he wasn't going to take that from him. The General Foreman told him he could grind with the machine, if he recalibrated the wheel.

"At this point, the Turn Foreman was instructed to make out N.'s time card, since he was being sent home. His card was punched for 2:30 p.m. and he was told that he was being sent home for insubordination."

General Foreman Knezevich testified as to the essentials of each of the two suspensions. At the time the Roll Grinders were seriously dissatisfied with their incentive, and many of them were very slow in performing their work. N. was one of the slowest Roll Grinders at this time, although he had been grinding rolls for more than a year. While in the vicinity on November 16, 1968 Knezevich noticed that over a period of time N. seemed to be idle when the grinding of a roll was completed, making no effort to obtain or use the crane to remove

the roll from the grinder. Finally, when he saw a newly positioned roll sitting idle in the machine, waiting to be ground, he gave N. a direct order to start the machine and N. failed to do as directed for a period of time.

As to the February 11, 1969 incident, Knezevich testified that there was an acute need for rolls on the 84" Mill that day and each Roll Grinder was told of this need by the Turn Foreman. About 1:00 p.m. (6 hours after the shift commenced) it was observed that N. still had not completed grinding a roll in the No. 5 Grinder. The wheel apparently was marking the roll because the equipment was not calibrated properly. Knezevich then instructed N. specifically to calibrate the machine, for grinding a second roll, but the latter failed to do so by about 2:30 p.m. and so was sent home at that time when the wheel again made a hard approach and marked the roll.

As to the November 16, 1968 incident, N. testified that when Knezevich approached him at 12:50 p.m. and directed him to start the Grinder, he had been about to adjust the guard because he thought it was getting too close to the grinding wheel. He asserted that when Knezevich told him this was unnecessary, and to start the machine, he did not do so promptly because he then noticed that there was paint on the end of the roll. When he proceeded to the end of the roll to wipe off the paint, Knezevich apparently started the machine, and N. complained that he could have been injured as a result. Knezevich then told N. he was being sent home for failing to follow orders. As N. started to leave, however, Knezevich took him by the arm and "was pulling me." N. agreed that earlier in the turn Knezevich made plain that he thought N. was "goofing off" deliberately. N. testified, however, that he believed he was working at a "normal pace" on this occasion.

As to the February 11, 1969 incident, N. testified that he had been having trouble with a hard wheel approach from the beginning of the turn, and that the Motor Inspector had not had time to correct the difficulty. When, in Knezevich's presence, the machine gouged the roll again, the latter sent him home.

Roll Grinder Cecil Melton was at work on November 16, 1968 when the first incident occurred. He testified that he observed Knezevich observing N.'s work closely that day and finally it seemed to him that Knezevich was yelling at N. Then he saw both men start walking to the office when Knezevich stopped, took N. by the arm, and seemed to be pulling him back toward the No. 3 Grinder. Then Knezevich resumed walking to the office, holding onto N. with one hand.

Assistant Grievance Committeeman Walter Moore, also a Roll Grinder, testified that he believed N. to have been a good Roll Grinder in view of the fact that he had been on the job only since July of 1967. As revealed in the Grievance Minutes, N. asserted after the first incident that Knezevich was "picking on" him and Division Superintendent Stephan then offered to re-schedule N. so that he could work on the same turn as Assistant Grievance Committeeman Moore. In this way, Moore would have been able to observe any problems which N. might have with Knezevich. N. declined this offer, for reasons not made clear to Moore.

FINDINGS

The evidence as to each incident in question is in sharp conflict. Thus, if the Union evidence is to be accepted, neither suspension was proper. But if there appears to be adequate support for the Company's versions, then there is no basis for the Board to set aside either suspension.

9

Resolution of this kind of conflict in the evidence should not be undertaken in a vacuum. Here it is of key importance that the Roll Grinders as a group were quite dissatisfied with their incentive, and wanted a new one. Around April of 1969, indeed, a new incentive was installed and it has proven considerably more satisfactory. One result is that the serious friction which existed between Roll Shop supervision and the Roll Grinders when these grievances arose largely has disappeared.

10

There seems to be no doubt, under all of the evidence, that N. was not cooperating with his Foremen in their efforts to improve Roll Shop performance in November of 1968 and February of 1969. He may not have been alone in this, but there is no doubt that he seemed particularly troublesome and that in July of 1968 he had been sent home once for insubordination and about 10 days later was given a warning slip for insubordination. In these circumstances the Board cannot accept N.'s basic claims, in each of these grievances, that he was performing his work at a "normal pace" and that he always performed his assigned duties as instructed by the Foreman. The evidence plainly is contrary to each of these claims and leaves no doubt that N. must have been performing his work in an inefficient manner deliberately, on these occasions, and not responding to specific instructions of the Foremen in a reasonably prompt manner.

11

There are, however, several affirmative defenses raised in N.'s behalf which seem to warrant some further comment. First it seems to be suggested that Knezevich laid hands on N. toward the conclusion of the first incident, in such manner as to constitute an assault, and that Knezevich at this time was "out of control." Second, it is suggested that much of the problem in the Roll Shop arose because Knezevich did not "know anything about roll grinding." And third, it is urged that Knezevich constantly was "picking on" N. and "bird-dogging" him. 12

The last of these defenses finds no support in the evidence beyond the fact that during these trying months when the Roll Grinders seemed to be holding back on their production, Knezevich made every effort to induce, or pressure, them to perform better. It seems clear enough that Knezevich is a man given to plain talk in steel mill vernacular--which often is not refined or diplomatic--but the record here does not show evident bias or arbitrary behavior in respect to N. On this score it seems most significant, moreover, that N. declined the Company offer to move him onto the same shift as the Assistant Grievance Committeeman (also a Roll Grinder) in response to N.'s initial claim that Knezevich was "picking on" him more than the other Roll Grinders. 13

As for the claim that Knezevich was not sufficiently familiar with roll grinding, it is enough to say that there is a lack of any solid evidence to support such a broad assertion and that, even if it were true, the evidence still suffices to provide ample support for the conclusion that N. failed on each occasion to respond properly to specific directions by the Foremen. 14

16, it seems clear that this has been magnified as a sort of afterthought to justify N.'s own misconduct. Indeed, there is no indication that this claim ever was made until N. testified at a Step Three meeting four months after the event. There is no doubt that Knezevich, who takes his responsibilities very seriously, was excited and exasperated on this occasion. It also is true that a Foreman is well advised to avoid laying hands on an employee even if there is no thought of physical violence in his mind. Even assuming that Knezevich should not have taken N. by the arm on this occasion, however, it must be remembered that by this time all of the relevant events as to N.'s insubordination already had taken place.

15

The last sentence in Section 4 (Marginal Paragraph 28) makes clear that "The Company has the exclusive right to discipline its officers, representatives, and employees." Thus the issue here is not whether Knezevich has too low a boiling point or is abrasive in his relations with the employees, but only whether the evidence here establishes that Knezevich's actions in disciplining N. were arbitrary and unreasonable under all the evidence. The Board, in balance, cannot conclude that they were.

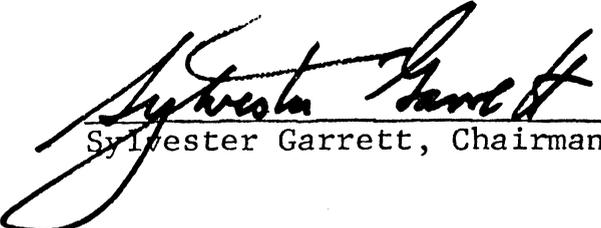
16

AWARD

The grievances are denied.

17

BOARD OF ARBITRATION


Sylvester Garrett, Chairman