

9-20-1965

# United States Steel Corporation Sheet and Tin Operations Geneva Works and United Steelworkers of America Local Union 2701

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BOARD OF ARBITRATION

Case No. USS-5048-S

September 20, 1965

ARBITRATION AWARD

UNITED STATES STEEL CORPORATION  
SHEET AND TIN OPERATIONS  
Geneva Works

and

Grievance No. BF-6-57-64

UNITED STEELWORKERS OF AMERICA  
Local Union No. 2701

Subject: Suspension.

Statement of the Grievance: "I, Neldon J. Bowman, #41507  
take exception to the reprimand and suspension  
of 3 days given to me April 14, 1964.

"The reprimand is in error.

"I request the reprimand be  
removed and I be reimbursed for all monies lost."

This grievance was filed in  
the Second Step of the grievance procedure April  
21, 1964.

Provision of the Contract: Section 3 of the April 6, 1962  
Agreement, as amended June 29, 1963.

Statement of the Award: The grievance is denied.

BACKGROUND

Case No. USS-5048-S

This grievance from the Blast Furnace Department of Geneva Works claims that grievant's written reprimand and three-day suspension for alleged failure to perform his work properly was without proper cause, in violation of Section 3 of the April 6, 1962 Agreement, as amended June 29, 1963.

1

At the time in question, grievant was working as a Job Class 5 First Ladleman. As such, his Primary Function states that he "Directs and assists in skulling and repairing Blast Furnace hot metal ladles, cinder pots, and railroad trucks." The Working Procedure of the First Ladleman description says that the job "Releases conditioned ladles and cinder pots to the Blast Furnace or Transportation. Receives and makes phone calls for the purpose of receiving instructions, and relaying information to appropriate personnel to complete the job requirements." Grievant acknowledges also that shortly before this event he had received verbal orders to report breakdowns of the Mixer Crane to the Blast Furnace General Foreman or to his immediate Foreman.

2

At about 10:00 p.m. on April 13, 1964, the Mixer Crane broke down, which prevented dumping of five full iron ladles then in the Mixer Building and five others that arrived shortly thereafter. Management claims that grievant became aware of that breakdown at about 10:00 p.m. but did not report it to his Turn Foreman or General Foreman until approximately 11:20 p.m. It is said that grievant's delay in reporting to Supervision that ten full iron ladles could not be dumped at the Mixer because of breakdown of the Mixer Crane resulted in there being insufficient iron ladles for prompt casting of the next furnace and necessitated doubling over of a Transportation Department railroad crew to round up additional ladles and caused a 45-minute delay in casting the next furnace, with attendant safety and operating problems.

3

The Union urges that grievant attempted to notify Supervision that the Mixer Crane had broken down but was unable to do so and that, when the Turn Foreman later appeared at the site, he observed or should have observed that the crane was

4

down, at least that grievant so presumed, and therefore it was unnecessary for grievant to report that fact to the Foreman.

### FINDINGS

Without recitation of all the details pro and con, the Board must conclude on the basis of all evidence, including particularly serious internal inconsistencies in grievant's own testimony, that he knew at 10:00 p.m. or shortly thereafter, surely by 10:15, that the Mixer Crane had broken down. Indeed, although there was some minor sparring on this point by grievant at the hearing, the principal Union defense agrees that grievant was aware of the Mixer Crane's being down at about 10:00 p.m. or shortly thereafter and then seeks to avoid grievant's responsibility by arguing that Turn Foreman Dotson, too, was aware of that fact and thus that it was unnecessary for grievant to tell him about it.

Grievant's basis for claiming that Foreman Dotson knew or should have known that the crane was down arises from the following alleged circumstances.

Grievant says that just after 10:00 p.m., Pig Machine and Ladle House Turn Foreman Dotson (grievant's immediate Supervisor) came along and told grievant to dump three ladles from the Foundry. Grievant was doing so when an Open Hearth Floorman told him there was a broken trunnion bolt on another ladle which was near the Mixer Crane. Grievant told Foreman Dotson about this. Dotson then called Blast Furnace Millwright Kolan and went to pick up the latter at the Shop and bring him to the site.

While Dotson was on that errand, grievant went into the Mixer Building and noted that the large "J" hooks on the Mixer Crane were hanging down about 18 inches off the ground and saw the red light lit on the crane. Grievant must have

concluded from those circumstances that the crane was broken down, for he then telephoned the Mixer Operator to ask what the trouble was and how long the crane would be down. The Mixer Operator allegedly said he did not know what the difficulty was but that he would call grievant back.

Foreman Dotson came back to the Mixer Building with Millwright Kolan, and these two discussed safety procedures relative to Kolan's going in to take care of the trunnion bolt. Foreman Dotson ordered grievant to stand by as a safety man for Kolan. Grievant did so, Kolan replaced the bolt, and Dotson left for a few minutes on another task and then returned to take Kolan back to the Shop. 9

Grievant says that while Dotson and Kolan were discussing safety procedures for handling the trunnion-bolt problem, Dotson was standing inside the Mixer Building, with ample opportunity to see the "J" hooks hanging down and the red light on, and from those conditions urges that Foreman Dotson should have been aware that the crane was down. Moreover, both grievant and Kolan testified that maintenance men then were working on the Mixer Crane and that Dotson said to Kolan that the Mixer Crane was broken down. 10

Dotson denied that he knew the crane was down and thus insisted that he did not tell Kolan that it was. He agreed that the crane was not actively working when he was there and that the "J" hooks were hanging down near the transfer ladle repair pit. He said that it was not unusual for the hooks to be in that position. Dotson said also that he was just at the door of the Mixer Building while talking to Millwright Kolan and thus he could not see the red light on the crane from there, since the crane cab is about 50 or 60 feet above ground level. Dotson said that he thought the ladles then in the Mixer Building had been dumped because normally by that time they should have been emptied. 11

From all that, the Union argues either that Dotson knew that the crane was down or that grievant was entitled to assume that Dotson did and, therefore, that it was unnecessary 12

for grievant to tell him of it. The Union suggests, moreover, that it is unfair to impose on grievant as a class 5 First Ladleman responsibility for reporting breakdown of Open Hearth equipment, when higher-rated Open Hearth jobs such as Mixer Craneman, Mixer Operator, and Supervision should have reported such matters.

Those arguments might carry considerable conviction in some other case, but they appear to miss the mark here. Grievant was not disciplined for negligent failure to notice that the Mixer Crane was down but for unreasonable delay in informing Supervision of that fact after he had learned of it. 13

Grievant admits that shortly before this event he was specifically instructed to notify the Blast Furnace General Foreman or his Turn Foreman whenever the Mixer Crane broke down since that necessarily would affect availability of ladles for the furnaces. The First Ladleman apparently is the Blast Furnace job most likely to learn first of difficulties with the Mixer Crane. Moreover, grievant's own version of his conduct recognizes existence of that duty. Indeed, he says that he tried to carry it out by calling the Stovetender at No. 2 Furnace (the center furnace) and leaving word to have the General Foreman call back. The General Foreman, who said he was in the area all during this time, never received any such message. Management's investigation indicated that the Stovetender involved denied receiving any call from grievant, and the Union says merely that that Stovetender did not recall receiving the alleged message. 14

At any rate, taking only grievant's view of his actions, he did not tell the Stovetender to inform the General Foreman that the Mixer Crane was down, that the hot metal then at the Mixer thus could not be transferred, and hence that at least five large ladles might or would be unavailable for the next cast; he asked only that the General Foreman return his call. 15

Grievant says also that, being unsuccessful in his attempt to reach the General Foreman by telephone, he then tried, because of language in his job description, to notify his immediate Supervisor (Pig Machine and Ladle House Turn Foreman Dotson) by telephone that the Mixer Crane was down and that the ladles of hot metal could not be dumped. Grievant admits that that telephone attempt, too, was unsuccessful.

16

This brings us to the critical point, which requires that the grievance be denied. Grievant, admitting his duty to notify Supervision that the Mixer Crane was down and having twice tried to do so by telephone at about 10:00 p.m. and surely not later than 10:15, then neglected to tell Foreman Dotson of that fact on any of the two and possibly three occasions when he saw him face to face, at most a few minutes after he had tried to call him by telephone.

17

Even taking that view of grievant's own testimony which is most favorable to him, it appears that after he had learned that the Mixer Crane was down and after he had tried unsuccessfully to call the General Foreman and Foreman Doston, grievant then saw Dotson twice face to face and talked to him at least once about other matters and yet failed to tell Dotson that the crane was down and ten ladles had not been dumped.

18

In light of all evidence, it cannot be found that Foreman Dotson actually knew, or that grievant had reasonable basis for assuming that Dotson knew, that the Mixer Crane was down.

19

If Dotson had known of that fact, as the Union asserts, it seems highly probable that he would have considered the difficulty with the trunnion bolt as quite unimportant in comparison with an impending unavailability of ladles and a resulting delay in the next cast. It seems very likely also, in that event, that Dotson would have asked how long the crane had been down, since a short delay would not affect availability of ladles while a longer one would, and since, even on the Union's assumption, Dotson would have had no way of knowing

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whether the crane had been down only a few minutes or for an hour or more. Finally, and most important, if Dotson had known between 10:00 and 10:15 p.m. that the crane was down, it seems most reasonable that he then would have begun the rather involved process of inquiring whether the Open Hearth floor was prepared to receive hot metal directly, after by-passing the inoperative Mixer Crane, and arranging the necessary railroad movements, and would have alerted his Supervisor and the Transportation Department to the urgent necessity of locating and rounding up the remaining small ladles at the Pig Machine and the north end of the furnaces. In fact, Dotson did none of those things then and, absent evidence of some other explanation, it must be concluded that he took no such action then because he was unaware of the necessity to do so, i.e., that he did not know that the Mixer Crane was down. Those considerations show, not only that Foreman Dotson did not know that the crane was down, but also that grievant had no reasonably adequate basis for assuming that he did.

Accordingly, since the evidence demonstrates existence of grievant's duty and his improper delay in performing it, with significant safety and operating consequences, which could have been more serious, he was disciplined for proper cause and the grievance must be denied.

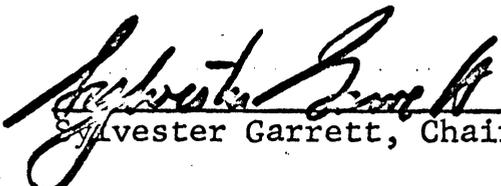
AWARD

The grievance is denied.

Findings and Award recommended pursuant to Section 7-J of the Agreement, by

  
 Clare B. McDermott  
 Assistant Chairman

Approved by the Board of Arbitration

  
 Sylvester Garrett, Chairman