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# United States Steel Corporation Sheet and Tin Operations Fairfield Tin Mill and United Steelworkers of America Local Union 2122

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BOARD OF ARBITRATION

Case USS-5136-S

August 19, 1965

ARBITRATION AWARD

UNITED STATES STEEL CORPORATION  
Sheet and Tin Operations  
Fairfield Tin Mill

and

Grievance SFT-64-131

UNITED STEELWORKERS OF AMERICA  
Local Union No. 2122

Subject: Establishment of New Job.

Statement of the Grievance: "We, the undersigned Burners in the Hot Strip Mill protest management reducing the job class of Burner from 9 to 5."

This grievance was filed in the Second Step of the grievance procedure June 23, 1964.

Contract Provisions Involved: Sections 2-B-3, 3, and 9-D of the April 6, 1962 Agreement, as amended June 29, 1963.

Statement of the Award: The grievance is denied.

BACKGROUND

Case USS-5136-S

This grievance from the Hot Strip Mill of Fairfield Tin Mill protests that a new Class 5 job of Burner was established improperly since a job of Burning Machine Operator had been in existence for many years in Class 9 and had performed the same burning as was assigned to the new Class 5 job.

There has been a Burning Machine Operator job in Class 9 at the Hot Strip Mill for many years. Its principal function is to lay out slabs and flame-cut them with a radiograph burning machine. Incumbents of the job also were used from time to time, however, to dress coils and burn scrap to proper size, using a hand torch. Another function of the job was to operate a shear which cut bar cobble scrap.

The Union contends that all scrap in the Hot Strip Mill was burned by Burning Machine Operators over the years, and that usually there were two men assigned to the job on every turn--one burning scrap and cobbles, with the other operating the radiograph burning machine.

Company evidence is to the effect that one man normally was used each day turn to operate the burning machine, while another employee might be used occasionally to burn scrap, but was expected to be able to operate the machine as required. No employee was assigned to the Burning Machine Operator job only to burn cobbles and scrap, according to the Company, without also being qualified and available to operate the radiograph burning machine. In addition to the day turn Burning Machine Operator, one also was used normally on the 3 to 11 p.m. turn.

Bar cobbles constitute 90% of total scrap in the mill, on a tonnage basis. Until 1964, bar cobbles were removed from the mill and conveyed to a shear in an adjacent Universal Plate

area of the mill (which was inoperative after 1962). The Universal Plate shear thus was used to cut the bar cobbles to proper scrap size under the direction of one of the Burning Machine Operators. In 1964, the old Universal Plate equipment was removed (as part of a major reconditioning of the Hot Strip Mill) and it no longer was possible to shear the bar cobbles. A new scrap burning area was established to which bar cobbles were conveyed, and the new Class 5 job of Burner was installed primarily to burn this type of scrap. Bar cobble scrap had not been regularly burned up to this time, since the shearing operation was more efficient.

The Union relies essentially on Section 2-B-3. It holds that an established local working condition requires that Job Class 9 be paid for all burning performed in the Hot Strip Mill. It urges that the Machine Burner Operator job always, in the past, had done some burning of the type here in issue. It cites a Universal Atlas Cement case, wherein the Arbitrator held that a long-standing practice of utilizing production crew members to do clean-up work without a reduction in their regular rates was protected under Section 2-B-3. 6

In the Company view, this is not a case of substituting a Job Class 5 Burner for a Job Class 9 Burner, but rather a situation where an entirely new job was required to handle additional and different burning which was required by the changed conditions which arose in January of 1964. The Company, however, cites Case A-650, wherein it was stated: 7

"...Section 9-D of the Agreement authorizes Management to create new jobs. The establishment of the new Class 6 Inspector job was a bona fide action to provide necessary final product inspection. The action as such was not rate cutting as the Union contends, but reasonable assignment of additional work. The Board has held (CI-257) that the assignment of particular duties to a job over the years does not create a local working condition under Section 2-B which prevents a legitimate re-assignment of duties. Therefore, the past practice argument (that Management has not previously cut up higher rated jobs) is not controlling."

#### FINDINGS

The Burning Machine Operator continues in existence in Class 9 and the amount of work performed under this description and classification continues to be substantially what it was up to the time this grievance arose, save for the shearing of bar cobbles. The need for an additional job in the Hot Strip Mill to perform hand burning of scrap arose because of the removal of the shear which long had been used to cut bar cobbles to proper size for scrap use. In tonnage terms, the bar cobbles constituted about 90% of the entire volume of scrap in the Hot Strip Mill. Superintendent Laney obtained approval from higher Management to use additional manpower (up to 2.4 Burners per day) for the purpose of burning such scrap. In these circumstances,

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it hardly could be held that Section 2-B-3 applies to bar the Company from meeting a significant changed condition in this manner. If any local working condition existed up to 1964, there then occurred a significant change in its underlying basis within the meaning of Section 2-B-4.

AWARD

The grievance is denied.

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BOARD OF ARBITRATION

  
Sylvester Garrett, Chairman