

2-16-1971

# United States Steel Corporation Eastern Steel Operations Edgar Thomson-Irvin Works and United Steelworkers of America Local Union 2227

Sylvester Garrett  
*Chairman*

Edward E. McDaniel  
*Assistant to the Chairman*

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BOARD OF ARBITRATION

Case No. USS-8064-S

February 16, 1971

ARBITRATION AWARD

UNITED STATES STEEL CORPORATION  
EASTERN STEEL OPERATIONS  
Edgar Thomson-Irvin Works

and

UNITED STEELWORKERS OF AMERICA  
Local Union No. 2227

Grievance Nos. SI-70-80;  
-81; -88; -89

Subject: Discipline-Suspension for  
Improper Work Performance

Statement of the Grievance: SI-70-80  
"The Grievant and the Union  
protest the discipline slip and the one (1)  
day suspension.

"Facts: Management's  
action is improper. The Grievant performed  
the proper and full duties of his Job Descrip-  
tion.

"Remedy Requested: Rescind  
the discipline slip and make the Grievant whole  
for all lost wages."

2.

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Statement of the Grievance: SI-70-81  
"The Grievant and the Union protest the discipline slip and the one (1) day suspension.

"Facts: Management improperly disciplined the Grievant. The Grievant properly performed the full functions of his Job Description.

"Remedy Requested: Rescind the discipline slip and make whole for lost wages."

Statement of the Grievance: SI-70-88  
"The Grievant and the Union protest the discipline slip and the one (1) day suspension.

"Facts: Management improperly disciplined the Grievant. The Grievant properly performed the full functions of his Job Description.

"Remedy Requested: Rescind the discipline slip and make whole for lost wages."

Statement of the Grievance: SI-70-89  
"The Grievant and the Union protest the discipline slip and the one (1) day suspension.

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"Facts: Management improperly disciplined the Grievant. The Grievant properly performed the full functions of his Job Description.

"Remedy Requested: Rescind the discipline slip and make whole for lost wages."

Contract Provision Involved: Section 10 of the Basic Labor Agreement dated August 1, 1968.

Grievance Data:

Dates

SI-70-89

SI-70-80;-81;-88

Grievances Filed:

2-17-70

2-17-70

Step 2 Meetings:

Not Applicable

Not Applicable

Appealed to Step 3:

3-27-70

3-3-70

Step 3 Meetings:

5-13-70

3-11-70

Appealed to Step 4:

6-1-70

4-1-70

Step 4 Meetings:

7-15-70

5-22-70

Appealed to Arbitration:

9-22-70

9-22-70

Case Heard:

12-22-70

12-22-70

Transcript Received:

None

None

Statement of the Award:

The Grievances are denied.

BACKGROUND

USS-8064-S

These grievances from Edgar Thomson-Irvin Works, Irvin Plant, question the propriety of one-day suspensions imposed upon four (4) grievant Galvanizing Line Crew employees for alleged improper work performance in "permitting defective product to pass unnoticed," on February 13, 1970. 1

Background facts giving rise to this grievance are described by Management in its brief as follows: 2

"The Galvanizing Crew which operated the No. 2 Galvanizing Line on the turn in question consisted of an Operator, Assistant Operator, Feeder, Shearman/Coiler, Catcher/Bander and Inspector.

"At approximately 2:15 p.m., on the turn in question, the General Foreman's attention was directed by the Weigher to the fact that the Line was then producing material which was defective because of black spots. The Line was shut down immediately. Investigation on the spot revealed the fact that a total of some 85,000 pounds of product had been produced which was defective because of black spots and/or shape. The black spots occurred at intervals of 27 inches. The 85,000 pounds represented about two hour's production.

"The General Foreman ascertained that during the previous two hours the Operator and Assistant Operator had been working with the Turn Foreman and a Test Department

"employee on furnace operating problems and had not been informed by any of the other four crew members that the Line was producing defective product. Because all of the other crew members were experienced personnel and because each is responsible for observing the quality of the strip at his work station, Management suspended each of them for one day for unsatisfactory work."

And, it, thus, is further noted:

"Grievant Kotzur, who was the Feeder on the turn, is an experienced Galvanizing Coating Crew member and holds incumbency as the Assistant Operator, Feeder, Shearman/Coiler, Catcher/Bander and Inspector positions. His Galvanizing Line experience totals in excess of 18,000 hours.

"Grievant Kozlowski, who was the Shearman/Coiler on the turn, is an experienced Galvanizing Coating Crew member and holds incumbency on the Assistant Operator, Feeder, Shearman/Coiler, and Catcher/Bander positions. His Galvanizing Line experience totals approximately 18,000 hours.

"Grievant Buches, who was the Bander on the turn, is an experienced Galvanizing Coating Crew member and holds incumbency on the Assistant

"Operator, Feeder, Shearman/Coiler and Catcher/Bander positions. His Galvanizing Line experience totals approximately 16,500 hours.

"Grievant Keenan, who was the Inspector on the turn, is an experienced Galvanizing Coating Crew member and holds incumbency on the Assistant Operator, Feeder, Coiler/Shearman, Catcher/Bander and Inspector positions. His Galvanizing Line experience totals approximately 18,000 hours.

The basic positions of both the Union and Company adequately were detailed in Fourth Step Grievance Procedure Minutes under "Summary of Discussion," as follows:

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"The Union Representative, Witness Osborne, and the grievants spoke at considerable length relative to the problems experienced on the 8-4 turn of February 13, 1970. In particular, the witnesses stressed those arguments which appear as corrections to the Third Step Minutes. In substance the arguments were as follows:

- "1. The turn's work was one of the most exasperating because of problems which required the attention of disciplined employees. There were shape problems and operating problems at the leveler and shears. Crew members' work overlaps and they were helping each other out to correct the problems.

- "2. When the General Foreman (Taylor) arrived at the job the crew members were trying to locate the 'black spot' cause. Further, Inspector Keenan had notified Operator Gallagher and Coiler Kozlowski of the black spots prior to the arrival of Taylor.
- "3. The first of the defective product produced was coils. The strip was out of shape and obviously scrap. Hence, there was no reason to take tests on this product. Further, the 'bright spangle' on the product, produced when considering the speed and bright lights (reflection) made it impossible to see the defects as the product was being produced.
- "4. The Operator and Assistant Operator were in a better position to see the defective product from their work locations than were the grievants. The Feeder has no area when he can see the bottom of the strip unless he lies down on his back to look up. Further, it is not the Banders job to inspect product for defects. To not discipline the Operator and the Assistant Operator while disciplining the grievants is discrimination.
- "5. It was the claim of some witnesses that the general foreman thought that the

"grievants knowingly produced the defective product. It was alleged that the General Foreman made such a statement in the Second Step Meeting.

"Management's Representative showed the Union Representative a piece of the defective strip to illustrate that the defects were of considerable size. The defects appeared every 27" on the strip. Further, he said that it may have appeared to the general foreman that the black spots were produced knowingly because to him they were obvious. However, the reasons for the disciplinary actions were clearly for unsatisfactory work as seen on the disciplinary slips. He referred to the Third Step Minutes.

'Mr. Bills stated that "black spots" are an obvious defect and easily detected, particularly when they appear repeatedly such as in this case, every 27" on the strip. He stated that it took at least 1 hour to produce the defective product, which is too long a period to have the defect go undetected by such an experienced crew.'

"With respect to the claim that the Operator and the Assistant Operator were not disciplined, Management's Representative said his advice is that they were busy working at operating problems and hence not in a position to have seen the defects as were the other crew members.

"Union Witness Osborne claimed that those disciplined, particularly the Shearman and Inspector were as busy as the Operator and the Assistant Operator. Further, he said Bander Buches was trying to help them out although he is not necessarily required to do so nor is he responsible for the quality of the product. It was Osborne's opinion that the crew on the disputed turn is one of the best. He alleged that those disciplined might have been selected for discipline because they have filed several grievances, rather than for their actions on the turn in dispute. Further, it was alleged that previous and subsequent occasions occurred when as much defective product was produced.

"Management's Representative said there is no such evidence nor would it be likely that the factual situations would be the same. In this instance, the defective product was run an unreasonable length of time prior to detection. Further, when General Foreman Taylor got to the area, the grievants were not observed to be checking for the faulty equipment.

"Management's Representative suggested that the Union Representative might like to see the line in operation. This was subsequently arranged.

"It is the Company's continued position that the grievants did not perform their work satisfactorily on February 13, 1970."

At the hearing it was generally agreed by both sides that the actual amount of defective product, i.e., that containing "black spots," involved some 54,000 pounds--and represented a little more than one hour's work by the involved crew. The additional 30,000 pounds or so of defective product involved "shape" defects for which grievants here actually were not held responsible and/or disciplined.

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The evidence shows that on the day and turn in question, grievants each worked their usual positions on the No. 2 Galvanizing Line. It appears that during the production of a sheet lift early in the turn, a serious shape problem developed (in a 48" incoming strip) causing a defect, i.e., a gouge, in a wringer roll located in the drying tower. The culprit "black spots," it later was determined, resulted as the strip passed through the wringer roll (after the scrubber rinse) in the coating process. These black spots appeared at 27" intervals along the strip as it passed from the wringer roll. A total of some four complete coils, thus, were produced with the "black spots" defect. According to Management, "The fact that this defect was not noticed for so long was the basis of discipline" of grievants. The Company believes that the black spots reasonably should have been detected "in no more than 10 minutes," and that, in any event, none of grievant crew members could be excused for not having observed the black spots during the complete hour or so that such defective product was allowed to run.

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The four grievants herein testified at the hearing, in effect, (1) that they earlier had not observed the black spots; (2) that the strip reflected a "bright spangle," giving the appearance of prime product; (3) that there were unusual problems encountered during this part of the turn requiring attention; and/or (4) that they were away from their normal crew positions (at times) assisting other crew members. According

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to grievants, the problems encountered that day included difficulties experienced in the oiling process, problems with edge build up, improper functioning of the unit shear and abnormal shape problems. Grievants testified, moreover, that each of them, in effect, was "running around" in an effort to correct these problems and, thus, during the period in question did not stay at their usual stations or at any single location on the line. Each testified, moreover, that he could and, in fact, did observe the product along the line, though, during the first hour or so, was unaware and did not notice the black spots.

Specifically, with respect to each individual grievant, the record reflects the following:

Grievant A. Kozlowski worked during the turn in the Coiler position. At the hearing, Kozlowski testified:

"My primary purpose is to keep the line running--the Company generally discourages line stops.

"From my work station the coil could be examined for surface defects...but, I was not standing still. We had to take the oiler apart. We had problems with edge build up. The unit shear failed to function and we were having shape problems, too.

"It is unusual to have black spots on galvanized strip. And, from what I saw, though... I even commented that we were getting a beautiful spangle, which to me, indicated good product. The product was being processed at 250 feet per minute.

"When the sheet comes out of the pot, you usually can see defects. Though I had no reason to suspect that we had black spots. You can't see black spots while running the line...I did not intentionally neglect the line in this sense."

The Company offered into evidence the Coiler job description, emphasizing a "work procedure" function, i.e., Item No. 7, to "observe coated strip for obvious defects and report same to Operator." And, according to the Company, based upon this basic duty, grievant Kozlowski, indeed, was negligent in his failure earlier to detect the black spots, and so was not improperly disciplined. 9

Grievant T. Kennan worked as the Inspector in the crew. 10  
According to this grievant:

"As Inspector, I'm supposed to inspect the strip. We were having other problems and I was trying to help out. I admit that I left my usual work area.

"I normally inspect from the recoiler, when recoiling, and when we work on sheet iron, I inspect on the roller level. My primary job as Inspector, then, is to stand and watch for physical defects in product, sheet and/or coil.

"I had only occasionally worked as an Inspector before. It is normal to inspect the bottom side of the sheet only. On that day we first had shape and other problems with the 48" wide. The leveler was not working properly either.

"Then we switched over to coil and were having edge problems. I worked on the elevator platform, on sheet, and near the boiler, on coils. I tried to assist the other crew men to correct the level of problem and in other areas. During the hour or so that the black spots were run, I had no knowledge that the product was defective. I did not notice the black spots."

The Inspector job description was offered into evidence by Management. The primary function of the Inspector job it appeared, is "to inspect sheared galvanize sheets and coils at Light Gauge Continuous Galvanizing Line." Under "Working Procedure," therein, i.e., Items Nos. 3 and 4, it was noted that the Inspector is required to "inspect sheared galvanize sheets and coils for surface defects, flatness, size, edge build up, chemical treatment, etc.," and, to "advise the members of the crew as to reason for rejection of product so that the necessary changes may be made in line operations." The Company, thus, urged that the grievant Keenan, had a clear duty of inspection, which he unreasonably neglected. Grievant, the Company concludes, was not improperly disciplined for his apparent neglect in observing and reporting obvious defects in the product, as his job required.

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Notably, with respect to grievant Kennan, General Foreman R. Taylor reported at the hearing:

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"When I handed the four grievants their discipline slips, /Inspector/ Keenan says it was his sole responsibility-- that he had goofed and that he would do a better job in the future when assigned as an Inspector."

According to Taylor, grievant Keenan responded further that only he (grievant), and not the other members of the crew, should be held responsible and/or disciplined. Grievant Keenan, himself, reported at the hearing, "I did say /to Foreman Taylor/ that I was sorry the incident had happened and that it wouldn't happen again. In the future, I just won't leave my work station at all again."

Grievant J. Kotzur worked as the Feeder during the turn. Kotzur testified at the hearing that, as Feeder, his work station is at the Feeder end of the line where he can only see the top side of product as it first goes up through the cleaning process. According to Kotzur, however, even the top side of the strip that he can observe travels along a roller several feet above his head--where surface defects are not easily detectable. Kotzur, in effect, stated:

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"I'm responsible for the cleanliness of the product. The strip on that day was not dirty, and the defect in the wringer roller which caused the black spots did not result, in my knowledge, from dirty strip. Actually, I can see the top of the roll real nice but not the bottom from my normal work area."

Grievant Kotzur testified that while he did not remain in the usual Feeder position (area) during the entire period in question, at no time did he observe, nor was he aware of the black spots defect in the product being run. 14

Grievant S. Buches worked as a Catcher/Bander that day. He did not testify at the hearing. It was admitted, however, by other Union witnesses at the hearing that surface defects usually can be observed from the Bander position on the line. The Union, however, asserts that the involved black spots here were not observed, during the first hour that subject product was run, by the Bander, grievant Buches. 15

The Bander job description was introduced into evidence by Management at the hearing. Items Nos. 6 and 7 of the classification "factors" were cited by Management as a basis for its claim that the Bander, too, had a duty to discover surface defects and that grievant Buches, thus, was not improperly disciplined. Factors Nos. 6 and 7, therein, relating to responsibility for tools and equipment, reads: "Some attention and care required to recognize obvious trouble and shut down machines," and "Works as a member of the crew on a production unit on work requiring some coordination with other members of crew." A principal Company witness, moreover, testified at the hearing: 16

"As a matter of practice, all of the crew assumes responsibility for obvious defects. Factors Nos. 6 and 7, we think, holds the Bander to responsibility for defects running, as a member of the crew."

This Company witness, however, admitted, "The Bander job description is not as clearly defined as others under its working procedure," and, "Actually, the Bander has no sole right to shut down equipment."

The Galvanizing crew involved herein, notably, worked under incentive covering only prime product produced. The defective product for which they were disciplined, subsequently, was excluded as other than prime product, and the time work in connection therewith brought them no incentive earnings. Grievants and the Union urge that this was penalty enough, under the circumstances. The Union and grievants complain, moreover, that Management did not discipline the Line Operator and Assistant Operator, whose primary responsibility it was to run prime product. Indeed, the record shows that the Operator and Assistant Operator were not "disciplined" (suspended or otherwise) though it does appear that they, too, were not paid incentive earnings for that defective product produced.

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The issue remains whether grievants, and each of them, improperly were suspended by Management, as alleged.

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### FINDINGS

In this situation, the evidence goes undisputed that for a period in excess of one hour, defective product was run unobserved by the grievant No. 2 Galvanize Crew employees. And, it appears that some 54,000 pounds of product, thus, was lost to

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the Company for its intended purposes. Whether the grievant crew employees, and each of them, were responsible (due to improper work performances) for such loss is then a basic question for determination in this case.

The very nature of any crew activity, we think, implies some degree of joint responsibility for the total group's performance--in the production of any given product. This is true notwithstanding the fact that each such crew member may have, as his own basic job responsibility, one single aspect of that total performance and work product. But, normally any such "joint responsibility" must be limited by nature and scope to what is "reasonable" under existing circumstances.

In the instant situation, arguably, grievants all had a fundamental responsibility for the production of prime product. This is true at least to the extent that their incentive earnings comprehended only such production. Additionally, each employee crew member here owed a more basic duty to perform his job and the normal duties thereof in a reasonable and acceptable manner.

And, in the case of each of the four grievants involved here, it undoubtedly is true that the basic work functions in each job were different and to some extent severable.

With respect to the grievant Inspector, Keenan, the evidence shows that his basic job function involved a primary duty to assure against exactly what happened here, i.e., production of product with obvious surface defects. And, in the existing circumstances, this grievant did not reasonably perform that duty. Little can be said then in defense of grievant Keenan, and of his admitted failure reasonably to perform basic function of his Inspector job assignment.

The grievant Coiler, Kozlowski, the record shows, had, 24  
as his basic job function, to operate the recoiler unit on the  
line. And, as has been pointed out, a primary work task of this  
grievant was to "observe coated strip for obvious defects and  
report same to Operator." This, admittedly, grievant Kozlowski  
failed to do. The grievant claims that he did observe the coated  
strip, but that he did not recognize the defective quality thereof  
until after about an hour of running. Kozlowski claimed at the  
hearing that he was very busy with the recoiler itself and at  
assisting other crew members with various other problems encountered  
on the line. Still, in view of the total situation, grievant  
Kozlowski did, in fact, fail to perform a basic duty of his job,  
and thus, reasonably must share the responsibility for the pro-  
duction of defective product.

Grievant Buches, the Bander here, actually is not shown 25  
to have as a basic function of his job the detection of defects  
in product produced. His responsibility, and thus, his culpability,  
if any, must be based upon a responsibility involved in the normal  
performance of his duties as a member of the crew.

The grievant Feeder, J. Kotzur, likewise is not shown to 26  
have had any basic responsibility for surface defects detection.  
He then, like the grievant Bander, must be shown to have had a  
general responsibility as a member of the crew to guard against  
production of product with defects of the nature involved here.

But for the fact that the defective product here ran 27  
unobserved by any member of the crew for the period in excess of  
one hour, a determination of responsibility could be based upon,  
and limited to, an examination of the basic functions and respon-  
sibility of the given crew job. The evidence is undisputed that,

under normal circumstances, the black spots defect reasonably could have been checked "in not more than 10 minutes" by an observant member of the line crew. Thus, in the case of a defect occurring over a normal period of time, only those grievants whose very job involved a direct responsibility to detect such defects could be held to improper work performances. But where, as here, there is involved an extraordinarily long running of obviously defective product, with each crew member admittedly in a position (at some time or other during this period) to observe the defects--none can be exonerated.

The running of defective product, in such amounts and over such a period as was involved here, reasonably falls, we believe, within the realm of a general responsibility and duty which reasonably may be required of all members of a given crew, for overall work performance and production. In the particular circumstances of this case, and based solely on the facts of the present record, grievants, thus, are not shown to have been improperly disciplined. Accordingly, their grievances may not be sustained.

AWARD

The grievances are denied.

17.

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



Edward E. McDaniel  
Assistant to the Chairman

Approved by the Board of Arbitration

  
Sylvester Garrett, Chairman