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United States Steel Corporation Sheet and Tin Operations Fairless Works and United Steelworkers of America Local Union 4889

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BOARD OF ARBITRATION

Case USS-4991-S

November 23, 1965

ARBITRATION AWARD

UNITED STATES STEEL CORPORATION
SHEET AND TIN OPERATIONS
Fairless Works

and

Grievance No. A-64-21

UNITED STEELWORKERS OF AMERICA
Local Union No. 4889

Subject: Claimed Crew Size

Statement of the Grievance: "I, the grievant, question Management's unilateral determination to discontinue a 2-B situation."

This grievance was filed in the Second Step of the grievance procedure December 20, 1963.

Contract Provisions Involved: Sections 2-B-3 and 2-B-4 of the April 6, 1962 Agreement, as amended June 29, 1963.

Statement of the Award: The grievance is denied.

BACKGROUND

Case USS-4991-S

This grievance from the Blast Furnace Department of Fairless Works protests failure to assign two Larryman Helpers on day turn to assist the three Larrymen, at the three-furnace operating level. 1

The Union believes that an established local working condition, protected under Section 2-B-3, requires that there be two Larryman Helpers on the day turn at three-furnace operating level. The Union relies on a claimed oral agreement to this effect but also holds that this has been the practice ever since the third Blast Furnace went into operation at Fairless about 1958. On the 11-7 and 3-11 turns only one Larryman Helper has been assigned at three-furnace operating level over the years. The Union believes that the second, or extra, Helper on the day turn was necessary because the Larryman Helpers on the other two turns fell behind in their clean-up work; the additional Helper on day turn was required to catch up. 2

Between June 12 and December 13, 1960, only one Larryman Helper was scheduled on day turn as a result of an employee suggestion. Another Larryman Helper was added to the crew again in December of 1960, however, when the plant began to destock coke and encountered problems with large lumps of frozen coke on the conveyor belts. According to the Union, whenever operations were at the three-furnace level thereafter, until September of 1963, the two Larryman Helpers were used on day turn. After a period of two-furnace operation, however, Management assigned only one Larryman Helper on day turn when three-furnace operations were resumed November 16, 1963. The present grievance resulted. 3

The Union primarily appears to rely upon a claimed oral agreement between a former Grievanceman and the Blast Furnace Superintendent, but presented no specific evidence to establish that such an agreement actually was made. 4

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The Company denies existence of any established local working condition contemplating use of two Larryman Helpers on day turn at the three-furnace level. It stresses that no second Larryman Helper was assigned on day turn at the three-furnace operating level for a period of five and a half months in 1960, and that there was a period of some months in 1963 during which temporary vacancies and vacation vacancies were not filled, without any protest having been made that two Larryman Helpers were required on day turn. At two-furnace level only one Larryman Helper is used on day turn, and there were about 13 months of two-furnace operations between June 1960 and November 1963. Thus on 20% or more of the day turns at three-furnace level over that period, notes the Company, only one Larryman Helper was used at the three-furnace level. Since at three-furnace level the Larryman Helper works alone on the other two turns, the Company does not believe the evidence shows any local working condition as to use of two Larryman Helpers. The Company also stresses that the job of Larryman Helper specifically is intended to provide relief for the Larryman and that there is no direct Union evidence to support the agreement claimed by the Union. General Foreman O'Brien, who has been responsible for scheduling in the Blast Furnace for some years, testified that nobody ever had advised him of any such agreement.

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Even if there were an established local working condition, the Company cites numerous mechanical changes which have reduced the amount of clean-up work in and around the skip car area over recent years. In the Company view the cumulative effect of these changes is enough, under Section 2-B-4, to warrant eliminating the second Larryman Helper on day turn. It lists these changes as follows:

(a) Installation of new surge hoppers replacing conventional ore chutes at #2 furnace completed April 16, 1961.

(b) Installation of a double clean-up skip arrangement (in order that spillage could be cleaned up on a continuing basis even during furnace operations) for #1 furnace as of December 7, 1962.

(c) New surge hoppers for #1 furnace as of December 7, 1962.

(d) By March 16, 1963 each Larry Car was equipped with new type doorwear-plates to significantly reduce car spillage.

(e) Installation of a double clean-up skip arrangement for #3 furnace, as of November 14, 1963.

FINDINGS

The evidence does not establish any oral agreement governing the number of Larryman Helpers to be assigned on day turn during three-furnace operations. In view of the substantial period in 1960 when no second Larryman Helper was assigned on day turn, and the numerous occurrences in 1963 when a second Larryman Helper was not used, it is doubtful that an established local working condition could be said to prevail in 1963. The essential purpose of the Larryman Helper job at Fairless is to spell (or provide relief for) the Larryman and there is no greater need for such relief on day turn than on the other two turns when only one Larryman Helper is used.

Thus the principal reason for using an additional Larryman Helper on the day turn was to handle accumulated clean-up because of spillage which was not cleaned up adequately on the other two turns. The evidence seems to leave no doubt that the various mechanical changes effected by the Company over recent years, culminating in a change shortly before the present grievance arose, affected the amount of spillage and clean-up requirements and so would suffice to invoke Section 2-B-4. Accordingly, the Company would not have been required to schedule an additional Larryman Helper after November 16, 1963 even if the Union evidence were sufficient to demonstrate a controlling local working condition up to that date.

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AWARD

The grievance is denied.

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BOARD OF ARBITRATION



Sylvester Garrett, Chairman