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United States Steel Corporation Heavy Products Operations Homestead District Works and United Steelworkers of America Local Union 1397

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BOARD OF ARBITRATION

Case No. USS-5095-H

December 16, 1965

ARBITRATION AWARD

UNITED STATES STEEL CORPORATION
HEAVY PRODUCTS OPERATIONS
Homestead District Works

and

Grievance No. HH-64-157

UNITED STEELWORKERS OF AMERICA
Local Union No. 1397

Subject: Crew Size; Seniority Units.

Statement of the Grievance: "We the aggrieved employees of the Structural Department of the Homestead District Works in the 44"-54" Mill Soaking Pits Unit protest managements unilateral action of combining two distinct and separate promotional units, numbers 11 and 16 as agreed to and signed on November 7, 1962 by Union and Management Representatives. We further protest the elimination and deletion of jobs affected in Units 11 and 16 also the cinder crane-man jobs. #5056 and #5058. We further request all monies lost for all affected employes.

"Facts: The Company's proposal to the Union on various abovementioned jobs are not factual. Facts will be presented by the Union at the Second Step Meeting.

"Remedy Requested: Return the units to their agreed and signed separate promotional lines as shown on Appendix #4. Honor the statement of grievance."

This grievance was filed in the Second Step of the grievance procedure September 9, 1964.

Contract Provisions Involved: Sections 1, 2-B, 9, 13, and 14 of the April 6, 1962 Agreement, as amended June 29, 1963.

Statement of the Award:

The grievance is denied.

BACKGROUND

Case No. USS-5095-H

This grievance from the Structural Division of Homestead Works protests Management's elimination of certain jobs at the 44" and 54" Mill Soaking Pits as violating Sections 1, 2-3, 9, and 14 of the April 6, 1962 Agreement, as amended June 29, 1963, and claims also that two separate seniority units improperly were combined into one, in violation of Section 13.

Each of the 44" and 54" Structural Mills at Homestead has five batteries of soaking pits making, at three pits per battery, a total of 15 pits for each mill. They are located parallel to each other and are separated by two rows of five back-to-back pulpits, each of which contains recording devices and controls for three pits on its side.

Prior to August 16, 1964, one Heater per turn was assigned to each bank of 15 pits. Since recording devices and controls were in each of the five pulpits on each bank of pits, it then was necessary for each Heater constantly to patrol along his row of pulpits to check instruments and adjust controls as necessary.

In May of 1964, Management began installation of a centralized, pit-scanning, monitor system, located in the Soaking Pit Office. This system was designed to facilitate operation of the pits by following audible horns and flashing signal lights from the centralized scanning board in the office. These signals, horns, dials, and charts, reacting to sensing devices in the pits and panel room, announce to the attending Heater specific items of information regarding operation of the pits, such as front and back thermo-couple temperature, temperature in the recuperator waste gas chamber, gas flow, open or closed position of pit covers, improperly seated pit covers, and stack draft condition. The central panel board records in the office all information recorded at each of the ten pulpits.

Management says that the central scanning system enables one Heater to man both sets of pits from the scanning board where he may remain for about six and one-half or seven hours per turn, as opposed to the old system which required each Heater to patrol up and down throughout the turn in order to check recording devices in his bank of five pulpits.

Accordingly, on August 16, 1964, only one Heater was assigned per turn for both sets of pits.

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Prior to May of 1964, coke breeze was used in making bottom, which was done on the average every third day for each pit. The cinder holes were opened, a Soaking Pit Craneman (two per turn at each bank of pits), using a large paddle attached to the ram, pushed exhausted bottom material (coke breeze and scale) into the cinder holes, from which it dropped into a cinder box in the cellar. Cinder boxes were attended by one Bottom Maker Helper at each bank of pits, and were removed and replaced by one Cinder Craneman at each bank. Fresh coke breeze then was dumped into the pit by a Soaking Pit Craneman, and was evenly distributed on the bottom. A Bottom Maker, one per turn at each bank of pits, worked with the crane in making bottom.

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Under those operating conditions, each bank of 15 pits was attended per turn by one Heater, one Bottom Maker, one Bottom Maker Helper, two Pit Cranemen, one Cinder Craneman and, in addition, for both sets of pits there was one Labor Gang-leader, one Cinderman Helper, one Pit Laborer, and one Ingot Buggy Operator, for a total of 16 employees per turn for both sets of pits.

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At that time those jobs were included in three separate seniority units. The Heaters, Bottom Makers, and Bottom Maker Helpers at the 44" Pits were in Unit 11, and those at the 54" Pits were in Unit 16, while the Cinderman Helper, Gang-leader, and Pit Laborer fed into both units. The Pit Craneman, Cinder Craneman, and Ingot Buggy Operators for both sets of pits were in Unit 23.

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In May of 1964, Management began to experiment with "dry bottoms" at these soaking pits. In "dry bottom" practice, the pit bottom is cleaned out completely and refractory material is placed on the bottom in place of coke breeze.

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Upon concluding that the "dry bottom" system was practicable, it was adopted for all pits, and the Company says that this method requires that the bottom be replaced about every 120 days, as opposed to every three days under the "wet bottom" technique. Under "dry bottom" practice, bottom is made by a refractory crew, not involved here. 11

Since adoption of the "dry bottom" practice eliminated the part formerly played by the Bottom Maker, Pit Crane-man, Bottom Maker Helper, Cinder Craneman, and Cinderman Helper in making bottom with coke breeze, Management analyzed the situation and determined that several duties had been eliminated. On August 16, 1964 it terminated the job of Bottom Maker at each bank of pits in Units 11 and 16, as well as the Cinder Craneman job at each bank in Unit 23. The Bottom Maker Helper job, formerly assigned one per turn at each bank, was retitled Soaking Pit Utilityman and thereafter one was assigned to cover both banks of pits. The Cinderman Helper, formerly assigned one per turn for both pits, was terminated. 12

In total, therefore, nine employees per turn now are assigned to operate both sets of pits, as opposed to 16 per turn in the past. The reduction resulted from the fact that some jobs were terminated, some were retitled and assigned one per turn instead of two, and several of the remaining jobs in Units 11 and 16 were combined into a single line of progression. 13

FINDINGS

The Union does not challenge termination of both Bottom Makers, one Cinder Craneman, and one Cinderman Helper. It does insist, however, that Management overestimated the effect of the changed conditions and thus that one Heater, one Soaking Pit Utilityman, and one Cinder Craneman per turn should 14

be restored so that there would be one Heater and one Utilityman (formerly Bottom Maker Helper) per turn on each set of pits and one Cinder Craneman per turn to cover both sets of pits.

Furthermore, the Union sees violation of Section 13-B in Management's combining into one seniority unit the Heater and Utilityman (formerly Bottom Maker Helper) jobs which previously existed in separate lines of progression.

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Dealing with the 2-B issue first, it cannot be questioned seriously that adoption of "dry bottom" practice effectively eliminated substantial segments of several jobs which formerly were occupied a majority of their time in making bottom with coke breeze. Indeed, this is reflected in large part by the Union's agreement that two Bottom Makers, one Cinder Craneman, and one Cinderman Helper properly were terminated. Thus, it is clear that there was a 2-B-4 change of basis which justified Management's reviewing total functions and eliminating certain jobs and redistributing residual duties to those which remained.

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For example, before the disputed change, the major duties of the old Bottom Maker Helper were performed in the cellar in assisting in making bottom with coke breeze. Working with the one Cinder Craneman at each bank of pits, the Bottom Maker Helper would set cinder boxes in the cellar. The Soaking Pit Craneman then would paddle exhausted bottom material and scale through the hole, opened by the Bottom Maker Helper, into the cinder box. Since, under the "wet bottom" practice, bottom was made on each pit every third day, about three bottoms were made per turn on the average, each bottom taking approximately 45 minutes. Each bottom made produced about five boxes of cinder, or approximately fifteen cinder boxes per turn which the Bottom Maker Helper and Cinder Crane- man then had to pull out of the cellar. Moreover, the Bottom Maker Helper had to clean up the inevitable cinder spillage under the pit he had just made and also under adjacent pits.

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Under the new "dry bottom" technique, each bottom lasts over 120 days and is replaced by a refractory crew not involved in this grievance. Of course, the retitled Soaking Pit Utilityman, now assigned one per turn for both sets of pits, must assist in setting in place, filling, and removing the exhausted refractory material when bottoms are replaced, but under the new system each bottom is replaced on the average only about every 120 days instead of every three days, as under the old practice.

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The single Soaking Pit Utilityman continues to remove scale boxes from under the ingot turn table as before, but the evidence indicates that he now handles about ten boxes of scale per turn, as opposed to the average of approximately 25 boxes of cinder and scale per turn for each Bottom Maker Helper under the "wet bottom" practice. This will increase, of course, on those turns when a bottom is replaced under the new system, but that would not materially affect average conditions and, moreover, if unusual difficulty occurs in cleaning out the cellar or when bottoms are replaced, Pit Laborers are assigned as before, to help out.

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It is clear, therefore, that the change in bottom-making practice resulted in a substantially decreased workload for the Bottom Maker Helpers, sufficient under 2-B-4 to justify Management's eliminating one of them and assigning the remaining duties to the single, retitled Soaking Pit Utilityman. It is of course impossible to say whether the extent of the crew reduction was in exact proportion to the changed conditions, but that degree of precision is unnecessary in view of the long line of Awards beginning with N-146, since here there was a reasonable causal relationship between the changed conditions and Management's modification of the crew.

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Many of the same factors bear on the elimination of the two Cinder Cranemen, one from each set of pits. In the past, each Job Class 8 Cinder Craneman placed and removed

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cinder and scale boxes at his bank of pits. Since most of that work was placing and removing cinder boxes, which no longer is performed, a significant segment of the Cinder Craneman's duties were eliminated.

Removal of scale boxes, which still is necessary, usually is handled now by moving one Soaking Pit Craneman from the pit crane to the cinder crane for the time required (one-half to one hour per turn) for that duty. The Job Class 15 Soaking Pit Craneman is paid at that rate for the time spent on the cinder crane and, since the Soaking Pit Craneman's bottom-making and associated duties have been eliminated, he has been freed of more, and more time-consuming, duties than he has picked up. Hence, the change in bottom-making practice justified the elimination of both Cinder Cranemen and the re-assignment of residual duties to the Soaking Pit Craneman, whose duties also were decreased by that change. Indeed, the Union itself recognizes that the change in bottom-making technique had a substantial effect on the Cinder Craneman jobs, for although two were eliminated (one per turn at each set of pits), the Union asked that only one be restored, to cover both sets of pits.

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Turning to the dispute relating to the one Heater which was eliminated, the critical point appears to be that, since installation of the centralized scanning system which enables the single Heater to monitor operation of all pits from the office, Supervision agrees, indeed, advocates, that the Heater make his decision as to when a pit is ready to draw from information shown on the central scanner and does not require him to patrol the ten pulpits (one for each battery of three pits) to observe heating progress on recording instruments at those ten locations. Thus, the Heater no longer is required to leave the office in order to be aware of conditions in and at every pit, for all information previously seen only by looking at instruments and charts in each of ten pulpits now is available on the central scanner. Moreover, since

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recording instruments on the scanner were installed about ten years after recording devices in the ten pulpits, it would seem that the former probably would be more accurate than the latter, if there should be any real question of accuracy, as suggested by the Union.

It is true, of course, that the central scanner is only that. That is, it merely shows, by means of colored lights, dials, charts, and audible signals, the proper or improper heating progress in and at each pit. There are no control devices at the scanner and, thus, in order to set and adjust controls the Heater must go to the particular pulpit involved. But that occurs only when changing settings from one grade of steel to another, when something goes wrong, or when special items must be "step heated," requiring that controls be adjusted periodically throughout the heating cycle. Considering all those occasions, the Soaking Pit General Foreman estimated that the average amount of time the Heater must be out of the office to set or adjust controls at the pulpits would be about one to one and one-half hours per turn. Even if that figure should be doubled, it must be compared to the necessity for the two Heaters, under the old system, constantly to patrol up and down each of their five pulpits throughout the entire turn in order to set and adjust controls and to observe heating progress. Patrolling for the latter purpose now is eliminated, and the Heater's moving to any particular pulpit now is necessary only because he knows from information shown on the central scanner that he must manipulate a control in that pulpit.

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The Union notes that recording devices in the pulpits have not been torn out or disconnected and thus argues that it still is necessary for the single Heater to patrol pulpits as before in order to check recording instruments. This is cleanly rebutted, however, by the definite assurance of the Soaking Pit General Foreman that Supervision wants the

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Heater to draw according to information shown on the central scanner and that he need not reconfirm that information by going out to look at instruments in each pulpit. Moreover, since the Heater must spend some minimal time in each pulpit setting and adjusting controls, it would seem to be of some benefit to him while there for that purpose, to be able to maintain a continuing watch on recording devices.

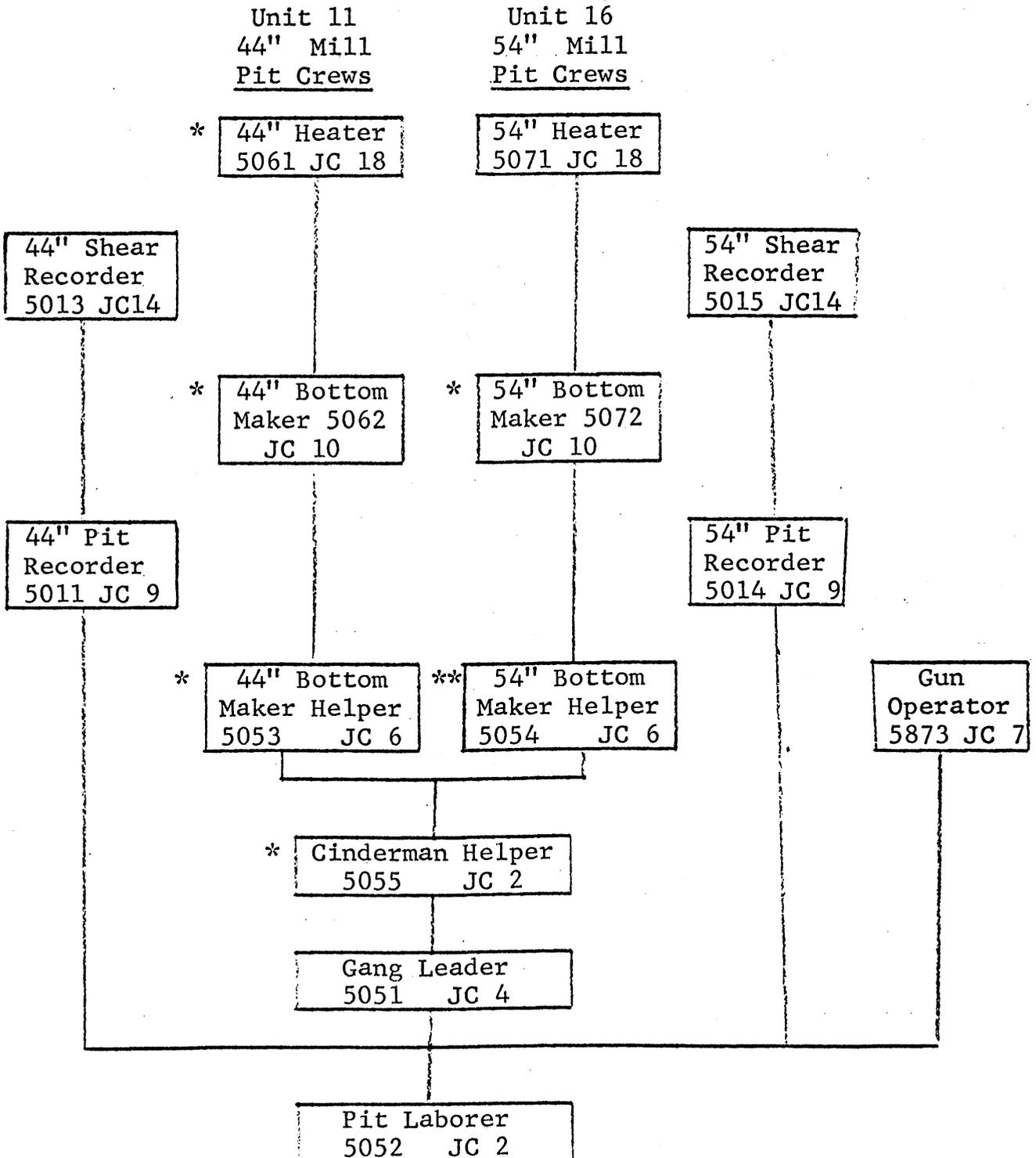
Thus, it must be concluded that installation of the central scanner, enabling the Heater to observe from one location all necessary elements in the heating cycle at every pit, was a sufficient 2-B-4 change of basis to justify elimination of one Heater. 26

Although the Union appears to suggest that the old system was more efficient, the evidence indicates that record or near record pit utilization has been accomplished under the new system. 27

Moving to the Union's contention regarding alleged improper combination of seniority units, claimed to be in violation of 13-B, the following charts show how the Pit Crew jobs, lines of progression, and seniority units looked before and after the changes: 28

BEFORE

44"-54" SOAKING PITS



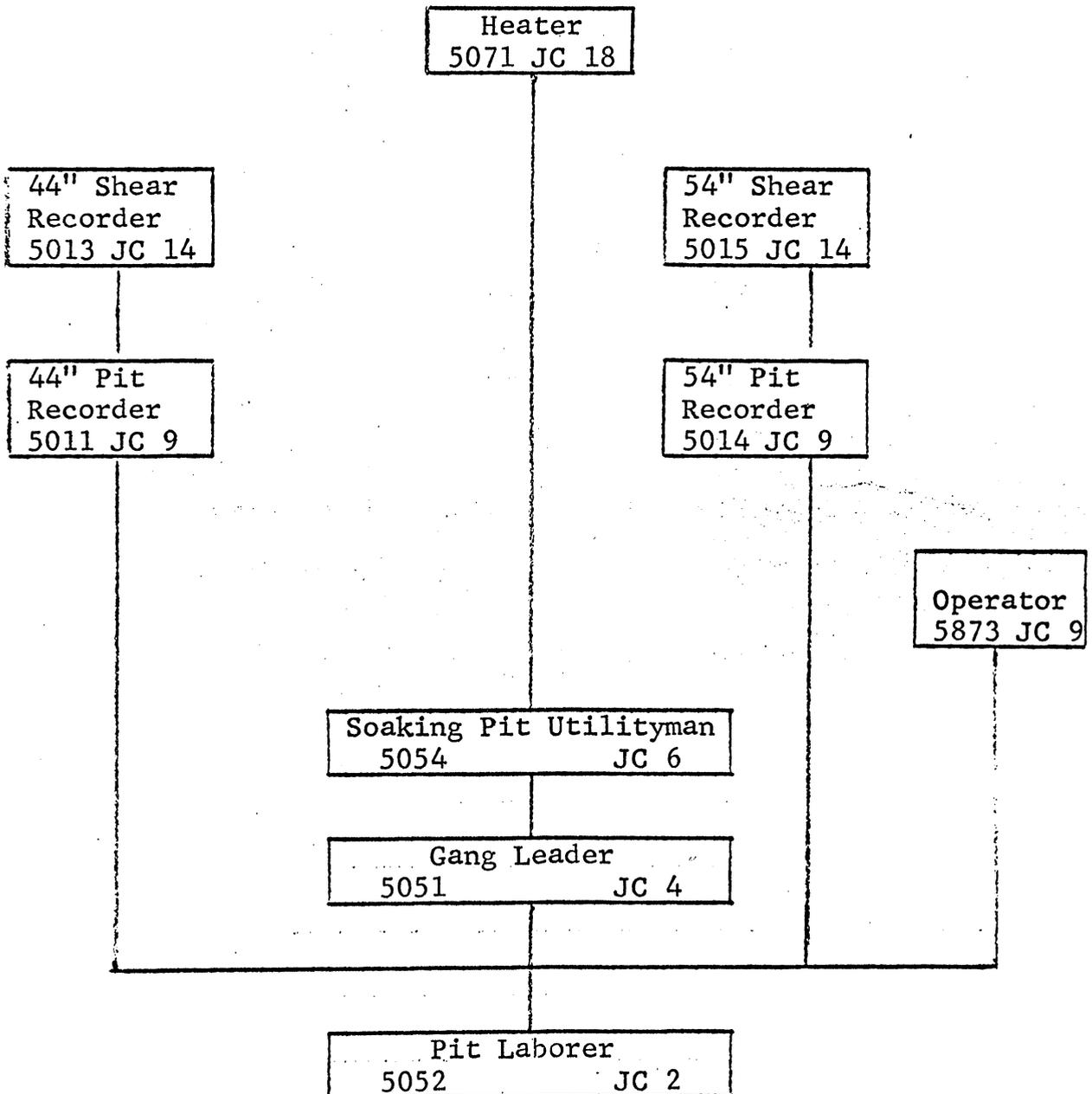
* Job eliminated.
 ** Job re-titled Soaking Pit Utilityman

AFTER

44"-54" SOAKING PITS

Unit 11
44" Mill Pit Crews

Unit 16
54" Mill Pit Crews



It is unnecessary to chart the changes resulting from elimination of the two Cinder Cranemen, since both jobs always were in Unit 23 and thus no seniority unit modifications occurred there. Nor did any seniority unit changes result from termination of the single Cinderman Helper, since that job always had been underneath both units, feeding into the bottom of the lines of progression which constituted the separation between Unit 11 (44" Mill Pit Crews) and Unit 16 (54" Mill Pit Crews).

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Hence, the only potential factual basis for the Union's 13-B argument is confined to the remaining Heater job and the retitled Soaking Pit Utilityman (formerly Bottom Maker Helper).

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Specifically, the argument is that the two former lines of progression terminating in the two old Heater jobs, each had been a separate line in separate seniority units but now are combined into one line of progression in a partially combined seniority unit.

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That is true, but it is not evident how that automatically constitutes violation of 13-B. That is, since Management's termination of the various jobs involved (one Heater, two Bottom Makers, one Bottom Maker Helper, and one Cinderman Helper) did not violate any provisions of the Agreement, no alternative, either practical or theoretical, was suggested, other than the one which was adopted. Of course, there now are four fewer jobs in what once were separate lines of progression, but that would have been equally true even if the remaining jobs had been left in their originally separated lines of progression. The serious defect in that alternative would have been, however, that the 44" Pit Crews would have had no jobs left in its separate line of progression, while the class 18 Heater would have remained at the top of an isolated 54" line of progression. That substantial vice is avoided by the system adopted, whereby all employees now enjoy promotional opportunities on the only jobs which remain, from Pit Laborer, to Gang Leader, to Soaking Pit Utilityman, to Heater.

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What happened therefore, rather than an improper modification of seniority units under 13-B, was that the total available work and jobs were so reduced that the remaining duties which had existed in separate seniority units were combined into one job. In this regard it should be noted that there is no dispute in this record relating to the application of seniority among employees in the filling of the jobs which do remain on the wage scale. 33

At the hearing the Union charged that Foremen had performed bargaining unit work, and it introduced Union Exhibit 1, which lists various incidents from August 18 to October 5, 1964, thought by the Union to be important regarding several aspects of the present grievance. The list apparently was compiled by a Grievance Committeeman from information allegedly supplied by employees concerned. Among other items, it names three Foremen as having performed bargaining unit work (pushing buttons to open pits, assisting in picking up coke bin gracing, and assisting in changing tong bits) on five occasions. 34

The Union said that the list had been read to Management at Step 3, but the Company denied this and said it had never seen or heard of any such list. The General Foreman did admit, however, that he had assisted in changing tong bits on one occasion. 35

In spite of the sharp dispute as to whether any significant details of these incidents had been provided in the grievance proceedings, the parties agree that there was no discussion of any specifics of the matter then. About all that can be said is that within a month or six weeks of the disputed changes one or more Foremen performed minor segments of bargaining unit work. In no instance was the Board given sufficient data to direct reimbursement to any given employee. In any event, moreover, even if those alleged violations had been proved in significant detail, it would not follow that the terminated jobs would have to be restored. It should be enough to repeat here that, aside from exceptions recognized by the parties, 36

Foremen must not handle bargaining unit work. If the Union sees Foremen doing such work in the future, it may protest such incidents through grievances and carry them to the Board if necessary, upon development of all relevant circumstances.

Finally, no violation of Section 14 was established.

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AWARD

The grievance is denied.

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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