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United States Steel Corporation Sheet and Tin Operations Fairfield Works and United Steelworkers of America Local Union 1733

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BOARD OF ARBITRATION

Case No. USS-5325-S

March 7, 1966

ARBITRATION AWARD

UNITED STATES STEEL CORPORATION
SHEET AND TIN OPERATIONS
Fairfield Works

and

Grievance No. SFRS-65-11

UNITED STEELWORKERS OF AMERICA
Local Union No. 1733

Subject: Discharge.

Statement of the Grievance: "I, the undersigned, request that I be given my job back. I was discharged without proper cause. I also request all moneys lost because of discharge.

"Facts: I reported off sick Monday and ask for my wild week vacation. I was denied. I also ask to let me report off because I had other business over which I had no control, so I could take care of it."

This grievance was filed in the Third Step of the grievance procedure April 14, 1965.

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

Statement of the Award: The grievance is sustained.

BACKGROUND

Case No. USS-5325-S

This grievance from the Rail Transportation Department of Fairfield Works claims that grievant's discharge for excessive absenteeism and failure to report off was without proper cause, in violation of Section 3 of the April 6, 1962 Agreement, as amended June 29, 1963.

Since 1962 grievant, who has 18 years of plant service, has had a substantial record of excessive absenteeism, admittedly resulting from alcoholism, for which he has been hospitalized several times. Grievant was absent 39% of his scheduled days in 1962, 23% in 1963 and 40% in 1964.

Grievant did not report for work from December 8, 1964 through February 12, 1965 and gave no notice of such absences except for a telephone call to his Superintendent around Christmas time of 1964, stating that he had been in the hospital between December 21 and December 23. Upon grievant's return to work in February of 1965, he was suspended for five days for that period of unexcused absence without notice.

After his return to work following that suspension, grievant went on a pre-arranged vacation between March 7 and March 20, and, pursuant to his request, was granted an additional week of vacation beginning March 22, 1965.

The events leading to grievant's discharge began on March 29, 1965, when he was scheduled to return from his additional week of vacation. He did not report for work on that date but telephoned his Foreman and asked for a fourth week of vacation. This request was denied and grievant was told that he was expected on the job on Tuesday, March 30.

Grievant did not report for work on Tuesday, but called at about 9:00 a.m. and again spoke to his Foreman. Apparently on this occasion grievant told the Foreman that he had been in an automobile accident late Monday night, had been arrested and was not released from jail until the early hours of Tuesday and that he had several personal matters to take care of and asked for additional time off.

Although there was some initial confusion as to whether this conversation took place on Monday, Tuesday, or even possibly on Wednesday, it seems most probable that it occurred on Tuesday. In any event, the Foreman agrees that on this occasion he informed grievant that he could take care of his personal business and that Supervision would discuss these problems with grievant when they were in contact with him again. Since part of the personal business which grievant informed the Foreman that he had to take care of involved grievant's appearance in Traffic Court outside the city on Thursday and Friday of that week, grievant considered that he was released from duty for the remainder of the week and did not report.

On Friday, April 2, grievant again attempted to call his Foreman and, failing to reach him, was told to report to the Foreman at 8:00 a.m., Monday, April 5, but without changing to his work clothes.

On April 5, grievant was suspended for five days subject to discharge for being absent without proper cause and without notice from March 29 through April 2, 1965.

Following the 8-B hearing on April 8, grievant was discharged on April 9 for being absent without proper cause and notice.

Throughout the grievance proceedings, in its brief, and initially at the hearing, the main Union argument was that alcoholism is an illness and, therefore, that absences resulting from it are not proper cause for discharge.

At the hearing, however, it developed from the testimony of the Superintendent of Shops, Rail Transportation, and grievant's Foreman that Supervision had informed grievant on either Monday, March 29, or Tuesday, March 30, that he could take additional time off to attend to his personal problems. Upon hearing that testimony from both grievant and Management

witnesses, the Union then argued that grievant could not be discharged for absences between March 29 and April 2 since the evidence from both parties indicates that he had been given permission to take that time off.

The Company contends that grievant's history of excessive absenteeism, culminating in the absences from March 29 through April 2, shows proper cause for discharge.

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FINDINGS

In view of the way in which the evidence developed at the hearing, it is unnecessary to meet what had been the main Union argument up to that time, that is, that alcoholism is an illness and thus that absenteeism resulting from it cannot be proper cause for discharge.

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It is clear that the reason for grievant's discharge was, as stated in the Form 74, for being absent without proper cause and without notice from Monday, March 29 through Friday, April 2, 1965. The undisputed evidence shows, however, that grievant was given permission, probably on Tuesday, to remain off in order to take care of the problems which grievant and the Foreman then were discussing. In the context of that conversation, that permission extended through Friday, April 2, since one of the reasons for which grievant asked for time off was to be in Traffic Court outside the city on Friday.

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Thus, since grievant was given permission to be off work for the days for which he was charged with being absent without cause or notice, the discharge cannot stand. When grievant talked to the Foreman on Tuesday, he already had missed the Monday turn and part of Tuesday, but, in light of the permission granted in that Tuesday conversation to be off for the remainder of the week in order to care for his personal problems, it must be concluded that those absences, too, were excused.

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4.

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AWARD

The grievance is sustained.

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

Clare B. McDermott
Clare B. McDermott
Assistant Chairman

Approved by the Board of Arbitration

Sylvester Garrett
Sylvester Garrett, Chairman