

Art Metal, Inc. Decision Listed

Arbitration Award Sets Up Seniority Procedures Here

An arbitration decision setting up seniority rights in recall of workers at Art Metal, Inc., Jamestown Division, was announced today.

The decision came from Virgil A. Crissfull, a member of the Syracuse University labor relations department, who arbitrated in a hearing on the matter Jan. 6. His services were secured through the American Arbitration Association.

Representing Art Metal Lodge 1559, International Association of Machinists, were Richard Lundin, president, Raymond Leake, vice president and Martin R. Bradley, attorney. Representing Art Metal were Hugh B. Clark, vice president of the local division and Bernard J. Donoghue, industrial relations director.

Involved in the hearing was the question of which workers had seniority, now that the company has shifted production of some items from one plant to another.

Text of the arbitrator's decision, in full, is:

Issues Before The Arbitrator

1. Under conditions resulting from the strike at the Art Metal plants in the City of Jamestown, New York, which commenced May 17, 1959, were the proper seniority procedures followed in the return to work of employees to the plants of the Art Metal Construction Company in the City of Jamestown, New York?

2. What are the proper and equitable seniority procedures to be applied from and after the date of this award?

The hearing was held on January 6, 1960 at the Jamestown Hotel.

The undersigned, having been designated in accordance with the Arbitration Agreement entered into by the above named parties, and dated December 31, 1959, and having been duly sworn and having duly heard the proofs and allegations of the parties, AWARDS as follows:

AWARD

1. It is clear to the arbitrator, and I find and decide, that the procedures used for the return of employees to work since the strike at the Art Metal plants, Jamestown, New York, commencing May 17, 1959, have been by agreement between the Company and the Union and were proper. Further, I find and decide, on the evidence submitted, that the Company and the Union are free from any and all claims and liabilities with respect to the procedures heretofore used in the return of employees to work at the Jamestown plants.

2. I find and decide, on the evidence submitted, that the following seniority procedures for the Art Metal plants in Jamestown, New York, are proper and equitable:

Special seniority date one day later than the last employee recalled to that department for layoff purposes, and when several Plant 2 and Plant 4 recalls are made on the same day, such recalls will be given numbers corresponding with the order of their company-wide seniority dates, and in case of layoff they will be laid off in numerical order from the lowest to highest number. Plants 2 and 4 employees shall acquire no seniority rights in Plant 1 except as stated in this Paragraph, and they shall not have bumping rights against any Plant 1 employees.

(3) When all employees of a department of the Stock Division (Plant 1) have been recalled, and additional employees are needed in that department, then Plant 1 recalls will be made on a plant-wide basis to that department.

(4) When all recalls in a department are made to the Stock Division (Plant 1) from Plant 2 or Plant 4, recalls will be made on a plant-wide basis from Plant 2 or Plant 4.

(5) When all plant-wide recalls have been made at a plant, recalls will be made on a company-wide basis.

(6) Layoffs and transfers under this plan will be made in the inverse order of recall.

(C) Employees who formerly worked in the Post Index Department, Department 23, and employees represented by the Union who worked in the Print Shop, will be listed on the plant-wide seniority list of the Stock Division (Plant 1), and will be eligible for recall, layoff and transfer on that basis.

(D) If and when manufacturing is resumed at Plant 2 or Plant 4, or both, employees will be recalled on a departmental basis from the lists of Plant 2 or Plant 4, or both. Employees from Plant 2 or Plant 4 who have been recalled to the Stock Division (Plant 1) will be transferred back to Plant 2 or Plant 4 as they are needed on a departmental seniority basis, and when all such employees in a department are transferred back to Plant 2 or Plant 4, or both, the provisions of Paragraph B above will not apply to the department of such Plant when additional employees are needed in the Stock Division (Plant 1). If a layoff reaches them in the Stock Division (Plant 1) before they are transferred to Plant 2 or Plant 4, they may exercise their right to a departmental bump at Plant 2 or Plant 4.