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### The End of Affirmative Action? Work Rule Concessions at South Works

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## The End of Affirmative Action? Work Rule Concessions at South Works

### Abstract

[Excerpt] The recent Rail Mill Manning Agreement between U.S. Steel South Works and Local 65 of the United Steelworkers of America changed both the local and Basic Labor Agreements. This paper will demonstrate the adverse effect that this Agreement will have on minorities and women.

### Keywords

Rail Mill Manning Agreement, U.S. Steel, South Works, USWA, steelworkers, concessions

# The End of Affirmative Action? Work Rule Concessions at South Works

by Steve Alexander

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Recent efforts by management to obtain work rule concessions from steelworkers will affect all workers, but will disproportionately harm minorities and women. The progress we've made under the affirmative action provisions of the Consent Decree is in serious jeopardy\*. Union officials, advocating work rule concessions, acknowledge that they will lead to substantial job losses, but they do not indicate how many jobs will be lost and who will lose them.

The recent Rail Mill Manning Agreement between U.S. Steel South Works and Local 65 of the United Steelworkers of America changed both the local and Basic Labor Agreements. This paper will demonstrate the adverse effect that this Agreement will have on minorities and women.

Women and minorities will lose out under the Rail Mill Manning Agreement because that document will allow

management to fill positions in the mill according to management's strategies to keep down labor costs, rather than according to traditional union seniority rules. In the process, the Affirmative Action provisions of the Consent Decree will be negated.\*

The Rail Mill Manning Agreement will adversely affect minorities and women for two reasons. First, it allows management to combine jobs in the mill in such a way that only workers with maintenance skills—most of whom are white and male—will be qualified. Second, the Agreement's new seniority provisions give management the right to choose among a large pool of workers those who have the necessary skills, again, mostly white men. Blacks and women who would have had preference under the old seniority provisions will lose out.

Let's look at the first problem. Management refused to build the rail mill unless Local 65 agreed to changes in the local seniority agreement.

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\* The Consent Decree resolved a complaint filed by the U.S. Attorney General alleging a practice of discrimination by the steel companies with regards to employment opportunities of minorities and women. The complaint also alleged that the union had engaged in a practice of resistance to the full enjoyment of the right of equal opportunities for minorities and women. The Consent Decree resolved all issues between plaintiffs and defendants relating to acts and practices of discrimination against minorities and women.

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\*It should be noted that minorities and women made substantial progress under the consent decree. They made inroads into many crafts, even greater gains appear possible as a result of their entrance into apprenticeship programs. The Rail Mill Manning Agreement threatens these gains; it makes no reference to the continuance of the affirmative action program of the consent decrees.



Management sought—and gained—the right to combine and eliminate jobs in the rail mill. Now the company can combine jobs in a way that makes trade and craft workers more qualified than production workers for all the jobs in the rail mill.

This is clear in the case of the “operating technician” jobs created under the new Manning Agreement. The Agreement only allows employees of the trade or craft jobs of motor inspector, electrical lineman, electrician wireman, and electronic repairman to bid for “electrical operating technician” positions. Similarly, only employees who hold the trade or craft jobs of millwright, boilermaker, pipefitter, machinist and mobile equipment

mechanic will be entitled to bid on “mechanic operating technician” positions.

This means that many workers will not be eligible to bid for these new positions in the rail mill. None of the other trade and craft journeymen—not welders, bricklayers, blacksmiths or carpenters—will be able to bid for the new jobs. Moreover, none of the laid off production workers can apply.

We should also consider what will happen to the production jobs in the rail mill. Under the Manning Agreement, rail mill employees must not only operate the mill, they must also perform maintenance work to continue its operation during their scheduled turn. This maintenance work includes break-down

maintenance service, as well as inspection, lubrication, and adjustment and replacement of components.

Once again, the company's new rules appear to favor maintenance workers—most of whom are white—over production workers—more of whom are black—for the operating positions in the mill. Why?

Management desires to minimize training costs of all employees entering the rail mill. The cost of training for employees bidding for operating positions will be less for all employees already possessing maintenance skills. Therefore, it seems likely that management will prefer journeymen bidding for operating positions.

Non-craftworkers may be very skilled operators but the majority probably do not possess the mechanical or electrical ability needed to perform minor maintenance work. Management would have to train all employees who qualify for operating positions but do not have maintenance skills. If seniority rights had been strictly enforced, management's freedom in choosing qualified candidates who required the least amount of training would have been hampered.

Furthermore, the Agreement provides that management can establish job-related tests to determine the qualifications of employees. These tests may be used as an aid in making a determination of the qualifications of employees to perform operating duties. Employees who are unable to pass these job-related tests could be denied permanent positions in the rail mill. If these job-related tests require that employees demonstrate maintenance ability, the employees who are not journeymen will



be at a disadvantage.

Finally, the establishment of "position circles" allows management the option of rotating operators and operating technicians between different jobs grouped in a circle. Management's method of operating the "position circle" concept is not yet clearly specified. It is not clear whether employees will have to take job-related tests for all jobs in these position circles.

But it is clear that management expects employees to operate and perform maintenance on any job in the circle to which they are assigned. This may work against non-trade and non-craft employees, because most of their skills are specific skills that pertain only to the departments in which they had seniority. In contrast, journeymen possess more general skills from their apprenticeship training.

Now let's look at the impact of the new seniority provisions at the rail mill. Under that Manning Agreement, all jobs will be posted in the Rail Mill on a plant-wide basis. This is a change from the old procedure, which was contained in Section 13-N-1 of the Basic Labor

Agreement. That section specified that first rights to the manning of new facilities belonged to employees displaced from any facilities replaced in the plant by new facilities. Next rights belonged to employees being displaced as the result of the installation of the new facilities, followed by employees presently employed by like facilities in the mill.

Plant wide bidding in the rail mill will disproportionately affect the job opportunities of minorities. Journey-

men positions are disproportionately held by white men, and those minorities and women who are journeymen have lower seniority due to past discrimination. Approximately 73 per cent of all journeymen at South Works are white males, with 27 per cent minorities and women. Minorities and women who are journeymen have much lower seniority than whites. For example, the average term of service for white male journeymen in the Steel Producing division is 17.1 years, while the average length of service in this division for minorities and women is 11.4 years.

The number of candidates for operating technician positions should greatly exceed the number of positions available. Journeymen who are not selected for the operating technician positions will be able to bid for operating positions. Journeymen and non-journeymen will be competing for the same jobs. Management will have 6,000 candidates to choose from. Since management bases its selection on costs, it is not hard to see that skilled journeymen will be less costly than non-journeymen. The journeymen who get jobs as operators in the rail mill will be men of long years of service. Disproportionately, they will be white.

Why did the rail Mill Manning Agreement contain plant-wide bidding?

Originally, management did not want to change any section of the Basic Labor Agreement. The local union requested a change in that document in order to establish plant-wide bidding with three separate seniority units. These units were to consist of a rolling seniority unit, a steel producing seniority unit, and a maintenance seniority unit. Employees holding job classifications in

## Maintenance Seniority Units in U.S. Steel South Works

### Percentage of White Journeyman

Blast Furnace	40.8%
Steel Producing Division	72.7
Structural Division	71.5
Spar Division	64.1
T & GS Department	84.2
Power Division	87.0
Mechanical Repair Shops	73.5
Mechanical Field	77.3
EMC Division	90.7
Mason Department	44.1

**Total Percentage of White Journeyman 73.2%**

### Percentage of Minority & Women Apprentices

Blast Furnace	48.6%
Steel Producing Division	46.1
Structural Division	45.9
Spar Division	42.9
T & GS Department	50.0
Power Division	47.2
Mechanical Repair Shops	39.3
Mechanical Field	56.3
EMC Division	45.5
Mason Department	38.0

**Total Percentage of Minority & Women Apprentices 45.9%**

South Works that fell in any of the three categories would have received first bidding rights for similar job openings in the rail mill. For example, an employee from a rolling seniority unit would have received first bidding rights to any rolling type job openings in the rail mill.

U.S. Steel flatly refused this proposal by the union. Instead, management offered simple plant-wide bidding. Union acceptance of this proposal will severely limit job opportunities for minorities and women in the rail mill.

Minorities and women would have had much better job opportunities if the Basic Labor Agreement had not been changed. Employees of the 34/53" mill seniority unit would have had first bidding rights. Approximately 50 percent of operating technicians in that unit are minorities and approximately 1/3 are journeymen. Minorities in that unit have enough seniority to qualify for many jobs in the rail mill. Women have much lower seniority, but would have had a better chance of getting jobs in the rail mill under the Basic Labor Agreement than under plant-wide bidding.

It should be noted that the union proposal for three separate seniority units would also have provided minorities with a good opportunity to obtain posi-

tions in the rail mill. Because of past discrimination, minorities are heavily concentrated in steel producing and rolling. For example, 76 per cent of the steel producing division operating employees are minorities, and an estimated 80 per cent of the rolling division operating employees are minorities. If first bidding rights had been given to employees from rolling and steel producing seniority units for similar jobs in the rail mill, then minorities would have had a very good opportunity to obtain operating jobs.

Management wanted to avoid a seniority procedure that allowed for plant-wide bidding with three separate seniority units, as well as the one contained the Basic Labor Agreement because both would have made it harder for the company to reduce the probability of accepting an unqualified candidate for the rail mill. Plant-wide bidding gives management a much larger pool of candidates to choose from.

### *Conclusions*

The Rail Mill manning agreement at South Works will negate the progress minorities and women have made under the affirmative action provision of the consent decree. The job combinations for skilled positions in the mill, the creation of "Position circles," and the institution of plant-wide bidding for jobs in the new facility will all ensure that most successful bidders are white men. This will suit management's purpose, which is to reduce labor costs associated with job training, and to make sure that the most skilled candidates are hired regardless of seniority.

Our union's principles—unity and equality—will not fare so well, however.

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***"Union acceptance of this proposal will severely limit job opportunities for minorities and women in the rail mill."***

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