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(Frequently the International Executive Board is referred to as the "IEB," the Convention Appeals Committee as the "CAC," and the Public Review Board as the "PRB.")

**THE FORTY-NINTH ANNUAL REPORT OF THE PUBLIC
REVIEW BOARD TO THE MEMBERSHIP OF THE UNITED
AUTOMOBILE, AEROSPACE AND AGRICULTURAL
IMPLEMENT WORKERS OF AMERICA (UAW)**

January 1, 2006, through December 31, 2006

This report is submitted pursuant to Article 32, §8, of the International Constitution (2006 edition), which requires this Board annually to prepare and submit a report of its activities, including a summary of all appeals it has handled during the year, to the membership of the Union. This report covers the period between January 1, 2006 and December 31, 2006, and is the forty-ninth to be issued since the establishment of the Public Review Board by the amendment to the International Constitution on April 8, 1957.

INTRODUCTION

The Public Review Board (PRB) was created by action of the delegates to the Sixteenth Constitutional Convention of the International Union, UAW, April 8, 1957. In the words of the Constitution, it was formed "... for the purpose of insuring a continuation of high moral and ethical standards in the administrative and operative practices of the International Union and its subordinate bodies, and to further strengthen the democratic processes and appeal procedures within the Union as they affect the rights and privileges of individual members of subordinate bodies."

MEMBERS OF THE BOARD

The PRB is composed of seven members proposed by the International President, with the approval of the International Executive Board (IEB), to the delegates of each Constitutional Convention of the Union. Members of the Board as of December 31, 2006, were:

Professor Theodore J. St. Antoine, James E. and Sarah A. Degan Professor Emeritus of Law, The University of Michigan, Ann Arbor, Michigan, Chairperson.

Professor Benjamin Aaron, Emeritus Professor of Law at the University of California (UCLA), Los Angeles, California.

Professor Janice R. Bellace, Samuel Blank Professor of Legal Studies, The Wharton School of the University of Pennsylvania, Philadelphia, Pennsylvania.

Professor James J. Brudney, Professor of Law, Newton D. Baker-Baker & Hostetler Chair in Law, The Ohio State University College of Law, Columbus, Ohio.

Professor James E. Jones, Jr., Emeritus Professor of Labor Law and Industrial Relations, the University of Wisconsin, Madison, Wisconsin.

Dean Harry C. Katz, Dean and Jack Sheinkman Professor, Cornell University, ILR School, Ithaca, New York.

Professor Maria L. Ontiveros, Professor of Labor and Employment Law, University of San Francisco, San Francisco, California.

Professor Paul C. Weiler, Mackenzie King Professor of Canadian Studies, Harvard Law School, Cambridge, Massachusetts.

Retirement of Professor Paul C. Weiler

Professor Paul C. Weiler, who has served as a member of the PRB since April 23, 1980, submitted his resignation at the end of June 2006. The vacancy created by his resignation has been filled by the appointment of Dean Harry C. Katz of the ILR School at Cornell University.

On May 5, 2006, Professor Weiler was awarded the Canadian Bora Laskin award in recognition of his contributions to Canadian labor law.

HOW THE PRB FUNCTIONS

The PRB, jointly with the Convention Appeals Committee (CAC), acts as final appellate authority under the internal remedial procedures provided by the Constitution. In addition, it is the exclusive appellate authority for claims of violations of the Ethical Practices Codes.

Claims Arising Under the Constitution

Jurisdiction

The general appellate jurisdiction of the PRB is defined in Article 33, Section 3(f) of the Union's Constitution. For the most part, the respective jurisdictions of the PRB and the CAC are the same, except that the PRB is barred from reviewing the collective bargaining policies of the Union and, in appeals which concern the processing of a grievance arising under a collective bargaining agreement, the PRB may decide an appeal on its merits only if it first determines that elements of fraud, discrimination or collusion with management affected its handling, or that its handling or disposition was devoid of any rational basis. Also, for appeals from the interpretations of the Constitution by the President pursuant to Article 13, Section 8, the appeal is to the IEB and then the CAC.

Ultimate appellate authority over claims involving the collective bargaining policy, or grievance processing, where the jurisdictional prerequisites for review by the PRB have not been met, is exercised exclusively by the CAC. However, in the event that the PRB should determine that the handling of an appellant's grievance has not been affected by fraud, discrimination or collusion with management or that its handling or disposition was not devoid of any rational basis, these findings are final and binding on all parties, and may not be revisited by the CAC. Decisions of the PRB are final and binding on the Union and its members and are not reviewable by the CAC; likewise, CAC decisions are not subject to review by the PRB.

Procedure

The internal remedies provisions of the UAW Constitution and Ethical Practices Codes are broad enough to encompass virtually any claim arising under the Constitution as a result of the day-to-day operation of the Union. Article 33, Section 1, of the Constitution provides that a member may contest any action, decision or penalty of his/her local union or any of its units, committees, officers, committeepersons or stewards, the International Union, its International Executive Board or any of its officers, Regional directors or International representatives, or one of its administrative arms, including its national departments and bargaining councils, or any other subordinate body. A failure or refusal to act by any of the foregoing, where it allegedly results in an injury, may also be appealed.

Unless an appeal is from an act or omission occurring at the International level, a member must first seek relief for his or her problem from the general membership of the member's local (or unit) within 60 days of the event subject of the appeal. Members of amalgamated local unions that have a joint council or other delegate body must seek redress from the delegate body or the general membership of the local as well as the unit. If dissatisfied with the result obtained at the local level, the member may, within 30 days, submit a written appeal to the International Executive Board, in care of the International President, Solidarity House, 8000 East Jefferson Avenue, Detroit, Michigan 48214. Appeals challenging acts or omissions occurring at the International level must be initiated within 30 days of the time the member first learned, or reasonably should have learned, of the event subject of the appeal. These appeals must also be sent to the International President.

The appeal will be referred for review and decision, either to an Appeals Committee of the International Executive Board or to the International President. The report and recommendation of these authorities are in some instances (where the appeal is decided by an Appeals Committee or where the President decides a case involving a grievance against an employer) reviewed by a nine-member committee of the IEB. The reviewing body's (nine-member committee or President) decision becomes the decision of the IEB unless, within ten days of circulation of the decision to all members of the IEB, one or more members request review by the full Board. In a few specified types of cases, however, Article 33, Section 2(b), of the Constitution provides that appeals shall not be taken beyond a specified level.

After receipt of the written decision of the IEB, a party, if dissatisfied, may appeal to the CAC or the PRB. Again this appeal must be in writing, setting forth the reasons for the appeal, and be submitted to the President of the International Union within 30 days of receipt of the IEB's decision. The President then transmits the appeal either to the PRB or the CAC, as the appellant may elect.

Claims Arising under the Ethical Practices Codes

The Ethical Practices Codes of the UAW were adopted by the Twenty-second Constitutional Convention of the Union in April 1970. The Codes are printed in the Constitution of the Union immediately following the textual provisions of the Constitution itself. There are four Codes which encompass the following subjects: Democratic Practices; Financial Practices; Health, Welfare and Retirement Funds; and Business and Financial Activities of Union Officials.

The procedures for processing claims involving allegations of violations of the Ethical Practices Codes are provided for in Article 32 of the Constitution and are processed in much the same manner as claims arising under the Constitution. If the claim relates to the operation of a subordinate body or any officer or representative thereof, the complaint must first be presented to the general membership of the local union. If the member fails to secure the redress sought from the local union, he or she is obliged to submit the complaint to the International Executive Board, which is then required to investigate the complaint, and notify the complaining member as to its disposition. Any party still dissatisfied may appeal the decision to the Public Review Board. The PRB is also empowered, in the event it concludes that the action of the IEB did not satisfactorily dispose of the problem, and even in the absence of an appeal, to initiate its own review of the IEB's disposition of a claim of Ethical Practices Codes violations.

Complaints concerning the operation of the International Union must be certified by the membership of a local union to the President of the International Union. In a ruling in 1994, a majority of the PRB ruled that the Constitution requires that both filing and certification must be instituted within the time frame permitted by the Constitution. Both the IEB and the PRB are authorized to waive compliance with the certification requirement when, in either of their respective judgments, there are valid and substantial reasons for doing so. Such complaints are then processed in the same manner as described in the preceding paragraph. A complete description of the procedures for the processing of Ethical Practices Codes complaints is set forth in Article 32, Section 5, of the International Constitution.

Procedural Advice

Any member of the Union seeking advice as to his or her procedural rights under the Constitution or the Ethical Practices Codes of the Union may contact the Public Review Board staff by telephone, fax, letter or electronic mail. The PRB's offices are

located at 904 Starkweather, Plymouth, Michigan 48170. Its telephone number is (734) 454-9911. Its telefax number is (734) 454-9905. Its electronic mail (email) address is <prbuaw2@att.net>. The Board's staff will advise the member as to procedures available to him/her under the Constitution of the Union whereby he or she may seek relief for any problem cognizable by the Constitution or Ethical Practices Codes of the Union. Staff may not comment or offer an opinion, however, as respects the merits of a member's claim.

The Public Review Board's procedures for handling an appeal are codified in formal Rules of Procedure as these are promulgated, and modified from time to time, by the members of the PRB. A copy of the current Rules is available free of charge to any member of the UAW.

The first 1200 decisions of the Public Review Board are available in 10 bound volumes and may be ordered from the PRB's offices. The price of the volumes is \$120.96, which is the actual cost to the Union of their printing. Copies of individual decisions of the PRB are available to UAW members free of charge.

THE STATISTICS

At December 31, 2005, there were 11 appeals pending decision by the Board. During the ensuing twelve months, 34 additional appeals were filed. In calendar 2006, the members of the PRB decided 26 appeals, 1 appeal was remanded back to the International Union, leaving 18 appeals pending as of December 31, 2006.

The budget submitted by the PRB to the IEB for calendar year 2006 projected expenditures by the PRB of \$561,662. Actual expenditures were \$546,289. Projected expenditures for 2007 are \$567,550. A statement of cash receipts and disbursements, detailing the costs for operating the Public Review Board in calendar years 2005 and 2006, is included in this Report as Appendixes B and C. The projected budget for calendar year 2007 is included as Appendix D.

APPEALS DECIDED—2006

Case 1453 II

Norm McComb in the Matter of Tom Carnahan, Member, UAW Local Union 659 (Flint, Michigan) v. International Executive Board, UAW (10/25/2006)

Claim:

Norm McComb owes non-dues money to Local 659 within the meaning of Article 48, §6, of the International Constitution.

Disposition:

Carnahan's request in 2002 for an investigation into claims that McComb received more money from the Local Union than he was entitled to in 2000 was untimely. If Carnahan believed that the retirement benefit paid to McComb in 2000 ought to have been deducted from his salary as Local Union President, the time to raise that issue was in 2000 when it could be resolved based on the documentary evidence and the testimony of the parties involved. This record does not support a conclusion that McComb received funds improperly within the meaning of Article 48, §6.

Case 1514

Gene and Janice Austin v. UAW Local Union 594 (Pontiac, Michigan), Region 1 (1/24/2006)

Claim:

Procedural irregularities occurred in connection with the recall of Local 594 Bargaining Committee Chairperson Gene Austin.

Disposition:

The Local Union's members were in the best position to resolve the disputes concerning the conduct of the recall meeting on April 25, and to express their resolutions in response to motions presented in the course of a membership meeting. The minutes of the membership meeting held on May 2, 2004, demonstrate that the decision to conduct the second meeting was the subject of extensive discussion by parties on both sides of the issue. Two separate votes were taken on the question and both times the membership supported the decision to conduct the second meeting. The report that 1,706 members of Local 594 made the effort to appear at the second recall meeting and that 98 percent of those present voted to recall has not been disputed. Clearly, the overwhelming majority of the Local membership wanted to recall Gene Austin. The

debate over the propriety of the procedure designed to achieve that purpose should now be considered closed.

Case No. 1522

Karin J. Avery, et al., Members, UAW Local Union 167 (Wyoming, Michigan) v UAW National GM Department, Region 1D (2/16/2006)

Claim:

The GM Department's decision to withdraw a grievance charging Delphi Management with deliberately misrepresenting the terms of its offer of employment to appellants lacked a rational basis.

Disposition:

Although the Union acknowledged that a member of Delphi Management misled appellants about the terms of the employment being offered to them, it explained that it withdrew appellants' grievance because the UAW-Delphi Agreement does not provide any remedy for claims such as detrimental reliance. We have concluded that this decision was rationally based. The terms of the 2003 UAW-Delphi Agreement limits the jurisdiction of the Umpire to specific contractual claims. The damages sought by appellants are not covered by the collective bargaining agreement and must be pursued in other venues.

Case No. 1525

Terrance Lombard, Member, UAW Local Union 174, (Romulus, Michigan) v. International Union, UAW, Region 1A (11/15/2006)

Claim:

Appellant is entitled to be compensated by the International Union for losses resulting from his discharge.

Disposition:

Although the International Representative's initial handling of Lombard's grievance was flawed, the IEB insisted on a thorough investigation and evaluation of Lombard's chances of gaining reinstatement through arbitration. The investigation conducted by President Gettelfinger's staff identified a number of factors that supported its conclusion that the case could not have been arbitrated successfully. Lombard has not

demonstrated that the Union's conclusion was irrational or improperly motivated and so he has not established that he is entitled to be compensated by the Union for his loss.

Case Nos. 1526 and 1542

Jerry Donovan, Anthony Zahuranec, et al., Members, UAW Local Union 2000 (Sheffield Village, Ohio) v. UAW National Ford Department and Region 2B (10/25/2006)

Claim:

Ford Department Vice President Gerald Bantom exceeded his Constitutional authority when he ordered Local 2000 to treat Unit 1 and Unit 2 as one unit during the Local Union's triennial elections. Alternatively, if the Company unilaterally made the decision to eliminate Unit 2, the Union should have challenged that action through the grievance procedure.

Disposition:

Once the membership of Local 2000 voted to reject Vice President Bantom's recommendation that it combine Units 1 and 2 for purposes of conducting its triennial election, there was no Constitutional basis for Bantom's insistence that it do so. Nevertheless, the Union's error in insisting that Local 2000 conduct its triennial elections as one unit was adequately addressed by the settlement agreed to in response to appellants' lawsuit. There cannot be any election conducted in Unit 2 now, because the Unit no longer exists at the Ohio Assembly Plant. The documents that originally established two units at Local Union 2000 clearly defined the units by what they produced rather than their geographical description in the collective bargaining agreement. Unit 2 was not a place within the Ohio Assembly Plant, but a group of employees who had agreed to build a particular product using the team concept. When the product was transferred to another location, the project concluded and Unit 2 disappeared. The transfer of the product built by Unit 2 was permitted by Article VII, §24(b), of the UAW/Ford Agreement. It could not, therefore, be challenged through the grievance procedure as a unilateral act on the part of the Company.

Case No. 1527

Floyd G. Edwards, Member, UAW Local Union 228 (Sterling Heights, Michigan) v. UAW National Ford Department, Region 1 (1/4/2006)

Claim:

The Ford Department's decision to withdraw a grievance protesting Edwards' disqualification from the job setter classification was motivated by discrimination and lacked a rational basis.

Disposition:

When Edwards could not acquire the skills necessary to do the job assigned to him, he was given a different assignment. His reassignment did not violate the collective bargaining agreement and the Ford Department Representative who investigated the grievance found no evidence of discrimination.

Case No. 1528

Bob King and Joe Charney v. UAW Local 600 General Council, (Dearborn, Michigan) Region 1A (4/12/2006)

Claim:

Appellants assert that the use of photographs paid for by the Local Union in campaign material was improper and that publication of an article by the Local Union President responding to appellants' charges of misconduct in a prior election violated the Ethical Practices Codes. The International Union asks that the sanctions described in Article 32, §7, be applied to this complaint.

Disposition:

Appellants have not shown that the use of the photographs in the Unity slate's leaflets had any effect on the outcome of the election. There was nothing improper in the President's article responding to appellants' earlier charges. The article reported the results of a DOL investigation into the Local's election practices. This was naturally an item of concern and interest to the membership. The persistent pursuit of appeals and claims lacking any substantial foundation violates a member's duty not to undermine the Union and could be met with the sanctions described in Article 32, §7, of the Constitution. We do not believe sanctions are warranted in this particular instance, however, because it appears that the appellants sincerely believed that the publication of President Sullivan's article violated some right guaranteed to them by the Ethical Practices Codes.

Case No. 1529

Jane Ford, Member, UAW Local Union 600, Region 1A (Dearborn, Michigan) v. International Executive Board, UAW (5/8/2006)

Claim:

Local Union 600's allocation of delegates to its General Council violates Article 35, §3(a), of the International Constitution.

Disposition:

The first sentence of Article 35, §3(a), states the general requirement that units of an amalgamated local shall have proportional representation. If that were the sole intent and purpose of the section, there would have been no need for the second sentence. The second sentence of §3(a) specifically mandates as an additional requirement that each unit have at least two delegates. Ford's appeal has identified a divergence between the practice at Local 600 and a clearly formulated requirement of the Constitution that deserves consideration and ought to be addressed. Local Union 600 is directed to allocate an additional General Council delegate to the HFHS-RN Unit and to conduct an election for that position.

Board members Theodore J. St. Antoine and Janice R. Bellace concurred, and Board member James E. Jones, Jr. dissented.

Case No. 1530

Bruce Ratkos, et al. v. UAW Local Union 651 (Flint, Michigan), Region 1C (2/14/2006)

Claim:

The Local Shop Committee's refusal to file a grievance protesting management's failure to assign appellants to active jobs in line with their seniority lacked a rational basis.

Disposition:

The Local Union worked out a plan to integrate the transferees from Delphi Livonia and Delphi West into the plant population at Delphi East. The Local JOBS Committee's authority to make such policy decisions is found in the broad discretion and flexibility recognized by Appendix K to the 2003 UAW-Delphi National Agreement, which allows Local and National parties to deal with plant closures in an orderly way. Appellants have not claimed that the rule adopted by the Local was applied unfairly. Furthermore,

the plan adopted by the Local had the explicit approval of the International JOBS Coordinator.

Case No. 1531

Ronald Nafus, Member, UAW Local 686 (Lockport, New York) v. Region 9, UAW (4/12/2006)

Claim:

International Representative Stagner's decision not to pursue a grievance protesting Nafus' termination was influenced by discrimination or lacking a rational basis.

Disposition:

There is no evidence that Nafus' status as a *Beck* objector, or his public expressions of dissatisfaction with the Union influenced the Representative's decision in any way. Nafus' refusal to sign a waiver that would allow Management to confirm his completion of an anger management program violated the terms of his prior reinstatement agreement. Furthermore, it would not have been sufficient to establish that Nafus had completed such a program to achieve his reinstatement. Nafus would also have had to demonstrate that he had learned to control his temper in his encounters with his supervisors, and the evidence does not support such a conclusion.

Case No. 1532

Charles Reighard, Member, UAW Local Union 1112 (Warren, Ohio), Region 2B v. International Union, UAW (1/24/2006)

Claim:

The IEB may review a decision by the International President not to waive the Constitutional time limits applicable to an appeal.

Disposition:

The IEB's power to review decisions of the International President is inherent in the structure of the Union's organization, and is stated explicitly in Article 12, §18, of the Constitution.

Case No. 1532 II

Charles Reighard, Member, UAW Local Union 1112, (Warren, Ohio), Region 2B v. International Union, UAW (6/27/2006)

Claim:

The PRB should review and reverse the International President's refusal to waive the Constitutional time limits barring Reighard's appeal after the President failed to refer the matter to the IEB for review.

Disposition:

The International President's refusal to refer Reighard's appeal to the IEB violates not only the appellate procedures clearly enunciated in the UAW Constitution, but also the principles of fairness and ethical conduct espoused throughout the Constitution. No useful purpose would be served by remanding this appeal to the IEB once again, however, because the merits of the case are clear. There is nothing in the record that would have been likely to convince the IEB to revoke or rescind the President's refusal to waive the Constitutional time limits. The appeal is therefore dismissed.

Case No. 1533

Larry Simmons v. UAW Local Union 7 (Detroit, Michigan), Region 1 (2/15/2006)

Claim:

Improprieties occurred during the Presidential race at Local Union 7 which could have affected the outcome.

Disposition:

Although Simmons identified an error committed by the Election Committee in the handling of the ballots, he has produced no evidence of any impropriety. We will not overturn the results of an election based on mere allegations that improprieties may have occurred.

Case No. 1534

Randall W. Pearson v. UAW Local Union 140 (Warren, Michigan), Region 1 (2/15/2006)

Claim:

Pearson asserts that retired members should be permitted to run for Local Union President.

Disposition:

In 1999, the International Union adopted a rule that retired members could not run for and hold executive offices that are inextricably involved in the bargaining process, even though they may have been permitted to do so in the past. We do not accept Pearson's view that the Union is bound to follow past interpretations of the Constitution in the absence of a formal amendment adopted pursuant to Article 3.

Case No. 1535

David Eardley v. UAW Local Union 1112 (Warren, Ohio), Region 2B (6/28/2006)

Claim:

The method used to break seniority ties in the Electrician classification at the Lordstown Assembly plant is irrational and discriminatory.

Disposition:

Eardley complains that WEMR's are being allowed to bring their skilled-trades seniority into the Electrician classification to the disadvantage of Electricians. The WEMR and the Electrician classification are related in this location, so time spent in the WEMR classification is the equivalent of time spent in the Electrician classification. The decision of the Union and GM to treat trades as related is based on the particular circumstances and history of those trades at the locations. Such decisions are a matter of bargaining policy and are therefore not subject to review unless it can be shown that the policy derives from impermissible motivations such as fraud, collusion, or discrimination or is otherwise devoid of a rational basis. Eardley has made no such showing.

Case No. 1536

Marcus Adams v. UAW Local Union 174 (Romulus, Michigan), Region 1A (6/28/2006)

Claim:

Adams argues that he should have been allowed to hold the office of Steward at the Johnson Controls Unit of Amalgamated Local Union 174.

Disposition:

The notice of the steward election clearly stated that only members with continuous good standing for a period of one year prior to the election stand nominated for office, and Adams did not meet this qualification. Adams was never nominated for office, so he could not be elected by acclamation, as he claimed. The Local Union President did not need to file an election protest to correct this situation once it came to light.

Case No. 1537

Marina M. Smith, Member, UAW Local Union 974 (East Peoria, Illinois) v. Region 4, UAW (9/27/2006)

Claim:

Smith argues that she was fired due to personal prejudice and Union activity after she filed a workers' compensation claim and complained to OSHA and the EEOC about her treatment at Caterpillar.

Disposition:

Two prior arbitration decisions interpreting the applicable provisions of the collective bargaining agreement between Caterpillar and Local Union 974 have established a high standard of proof for the Union where the claim is made that a supplemental employee was terminated as a result of personal prejudice or union activity. Smith has not produced any evidence that her termination was connected to the complaints she filed. In addition, the record demonstrates that the Company made every effort to accommodate her physical limitations even after her complaint to OSHA.

Case No. 1538

Terry Bays, Member, UAW Local Union 10 (Doraville, Georgia) v. General Motors Department, Region 8, UAW (9/28/2006)

Claim:

The decision to withdraw a grievance protesting Bays' discharge for selling drugs on Company property lacked a rational basis.

Disposition:

The General Motors Department Representative concluded that the sale had taken place as described by the undercover agent based on a detailed analysis of the evidence. His decision was therefore rational; the Union could not expect to prevail at arbitration where substantial evidence supported the charge that such a sale was made.

Case No. 1539

Wayne Harmon, Member, UAW Local Union 723 (Monroe, Michigan) v. Region 1A, UAW (9/27/2006)

Claim:

The method used to break seniority ties at the Monroe Visteon Plant is not being applied correctly.

Disposition:

The Union has demonstrated that its interpretation of the tie breaker provision is consistent with the language of the applicable collective bargaining agreements and the past practice at this location.

Case No. 1540

Calvin Williams, Jr. and Jesse "Ray Ray" Brown, Members, UAW Local Union 919, (Norfolk, Virginia) Region 8 v. International President, UAW (8/2/2006)

Claim:

The results of a recount of the votes cast for Building Chairperson and Building Committeeperson during the triennial elections conducted by UAW Local 919 should have been rejected because the election materials were not properly sealed and secured following the initial vote count.

Disposition:

Appellants were not the candidates “who would have been elected if the election had not been challenged” within the meaning of Article 38, §12, because the outcome of that election was still undecided. The accuracy of the initial count had been called into question, so the results of the election could not be announced until there was either a recount or a new election. Only if there were convincing evidence that the election materials had been tampered with after the first count would a rerun of the election have been warranted. This record supports President Gettelfinger’s conclusion that there was insufficient evidence to support such a remedy.

Case No. 1541

Roger Helton and Dennis Wright, Members, UAW Local Union 2069 (Dublin, Virginia) v. UAW National Heavy Truck Department, Region 8 (10/26/2006)

Claim:

The Union’s decision to withdraw a grievance protesting appellants’ disciplinary layoff lacked a rational basis.

Disposition:

The Union had no concrete evidence to refute Management’s conclusion that appellants were responsible for the mistake which caused the line to be shut down, and therefore no contractual basis for challenging the discipline assessed by the Company in connection with the error.

Case No. 1544

Mary Jo Lamb v. UAW Local Union 599 (Flint, Michigan), Region 1C (10/26/2006)

Claim:

Lamb’s appeal should be considered withdrawn as a result of her failure to appear at the hearing scheduled by the International President’s hearing officers.

Disposition:

As the result of a mail delivery problem, Lamb did not receive a notice of the scheduled hearing until the day of the hearing. Lamb subsequently explained the reason for her failure to appear. Under the circumstances, it was error to dismiss Lamb’s appeal rather than addressing the merits. It was harmless error, however, because the Union

made a good settlement of her grievance when it achieved her reinstatement after she failed to respond to a five-day letter issued pursuant to Paragraph (64)(d) of the National Agreement. It was highly improbable that an Umpire would have awarded back pay based on the facts of this case.

Case No. 1545

Steven Frierson v. UAW Local Union 235 (Hamtramck, Michigan), Region 1 (10/27/2006)

Claim:

The Local Committeeperson's handling of Frierson's discharge grievance lacked a rational basis.

Disposition:

Frierson complains that he was pressured to sign a reinstatement agreement after he was discharged for using drugs on Company property, but the employer was under no obligation to reinstate him if he refused. The Union had no realistic hope of successfully arbitrating Frierson's grievance after he failed a drug screening conducted pursuant to his reinstatement agreement.

Case No. 1546

Vanena D. Southall v. UAW Local Union 863 (Cincinnati, Ohio), Region 2B

Disposition:

No formal PRB decision was issued on this appeal, since appellant's grievance was remanded back to the International Executive Board to be reinstated into the UAW-Ford grievance procedure.

Case No. 1547

Richard Chester and Raymond Golden, Jr., Members, UAW Local Union 180 (Racine, Wisconsin) v. Region 4, UAW (12/18/2006)

Claim:

Appellants argue that they should be compensated for losses they sustained during the period from 1984 through 1989 as a result of being laid off while less senior employees were working.

Disposition:

Appellants knew in 1990 that less senior employees had been working in the Chip and Grind classification while they were laid off and that the Local Union Chairperson did not intend to grieve the issue. If they disagreed with the Chairperson's position, they had the right appeal to the membership in accordance with the procedures described in Article 33 of the International Constitution. Article 33, §4(c), of the Constitution requires that appeals to a Local Union be submitted within sixty days of the time that the appellant first became aware of the decision being appealed. Appellants did not challenge the Local Chairperson's decision within the time limit specified by the Constitution. Appellants' attempt to raise this issue now is untimely and cannot be considered.

Conclusion

Copies of the complete text of any of the appeals discussed in the forgoing report are available on request to the PRB's office, 904 Starkweather, Plymouth, Michigan 48170; Telephone: (734) 454-9911; Fax: (734) 454-9905; email: prbuaw@att.net

Respectfully submitted,

**THE PUBLIC REVIEW BOARD
INTERNATIONAL UNION, UAW**

**Theodore J. St. Antoine
Chairperson**

APPENDIX A

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Local Union 919, UAW vs. International President, UAW
- 1541 Roger Helton and Dennis Wright, Members,
Local Union 2069, UAW v. UAW National Heavy Truck Dept.
- 1544 Mary Jo Lamb v. Local Union 599, UAW
- 1545 Steven Frierson v. Local Union 235, UAW
- 1546 Vanena D. Southall v. Local Union 863, UAW
- 1547 Richard Chester and Raymond Golden, Jr., Members,
Local Union 180, UAW v. Region 4, UAW

APPENDIX B

**THE PUBLIC REVIEW BOARD
INTERNATIONAL UNION, UAW**

STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
(Comerica-Plymouth)

January 1 to December 31, 2005

Cash on Deposit \$ 79,308

Receipts

International Union, UAW 505,853

585,161

Disbursements

Compensation-Board Members 152,173

Salaries-Staff 225,072

Social Security and Payroll Taxes 16,924

Telephone 3,741

Office Supplies and Expense 18,566

Printing and Mailing Expense 308

Insurance

 Disability 4,071

 Workmen's Compensation 1,191

 Pension Plan 2,092

 Fidelity Bond 750

Executive Sessions and Hearings 48,678

Rent 9,450

Accounting 6,000

Personal Property Tax 112

Total Disbursements 489,856

Cash on Deposit \$ 95,305

APENDIX C

**THE PUBLIC REVIEW BOARD
INTERNATIONAL UNION, UAW**

STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
(Comerica-Plymouth)

January 1 to December 31, 2006

Receipts

International Union, UAW	\$	524,511
Interest income		364
		<u>524,875</u>

Disbursements

Compensation-Board Members	152,692
Salaries-Staff	236,723
Social Security and Payroll Taxes	17,071
Telephone	2,204
Office Supplies and Expense	19,135
Taxes, Federal, State, and Local	809
Insurance - Health	57,126
Insurance - Other	4,656
Executive Sessions and Hearings	32,247
Rent	9,450
Accounting Fees	4,000
Convention Expense	493
Pension Administrator Fees	1,165
Attorney Fees	7,328
Website	1,190

Total Disbursements

	<u>546,289</u>
Increase (decrease) in cash	(21,414)
Beginning Cash Balance	107,529
Ending Cash Balance	<u>\$ 86,115</u>

Commercial Checking	\$	71,027
Basic Business Checking		4,592
Certificate of Deposit		<u>10,496</u>
	\$	<u>86,115</u>

APPENDIX D

**THE PUBLIC REVIEW BOARD
INTERNATIONAL UNION, UAW**

ESTIMATED BUDGET

January 1 to December 31, 2007

Cash on deposit 12/31/06 \$86,115

Receipts:

International Union, UAW 1/1/06- 12/31/06 \$524,511
Interest Income 364

Total Receipts \$524,875

Disbursements

**Actual
2006**

**Proposed
2007**

Compensation-Board Members	\$152,692	155,000
Staff salaries	236,723	245,000
Payroll taxes	17,071	19,000
Telephone	2,204	2,500
Office supplies and expenses	19,135	22,000
Office equipment	-0-	1,800
Taxes – federal, state and local	809	900
Insurance		
Health	57,126	60,000
Other	4,656	5,000
Executive sessions and hearings	32,247	38,000
Rent and utilities	9,450	9,450
Accounting fees	4,000	6,000
Convention expense	493	-0-
Pension administrator fees	1,165	1,200
Attorney fees	7,328	500
Website	1,190	1,200

Total Disbursements \$546,289

\$567,550

