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

January 1, 2008 through December 31, 2008

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, 2008 and December 31, 2008, and is the fifty first 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, 2008, were:

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 Fred Feinstein, University of Maryland School of Public Policy, Senior Fellow, Visiting Professor.

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.

The Public Review Board has undergone some significant changes in recent years. As we reported last year, Professor Benjamin Aaron passed away on August 25, 2007. The vacancy created by his death has now been filled by Professor Fred Feinstein of the University of Maryland School of Public Policy. Professor Feinstein previously served as General Counsel of the National Labor Relations Board.

Two of our longest serving members also retired this year. Professor James E. Jones, Jr., who joined the Public Review Board in 1970, retired in October. Professor Jones was the Nathan P. Feinsinger Professor of Labor Law, Emeritus at the University of Wisconsin Law School and the School of Labor Law and Industrial Relations. Prior to joining the faculty at Wisconsin, Professor Jones served as Associate Solicitor in the Division of Labor Relations and Civil Rights, US Department of Labor.

Professor Theodore J. St. Antoine joined the Board in 1973 and became its Chairperson in 2000. He retired at the end of December. Professor Janice R. Bellace and Professor James J. Brudney have been selected to serve as co-Chairpersons beginning January 1, 2009.

Professor St. Antoine was President of the National Academy of Arbitrators in 1999 and 2000. He also served as Dean of the University of Michigan Law School from 1971 to 1978. He taught labor relations and arbitration as a visiting professor at Cambridge, Duke, George Washington and Tokyo University. He continues to teach and lecture about developing the field of labor law in China.

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; telefax number is (734) 454-9905; electronic mail (email) address is prbuaw@att.net; and its website is www.uawpublicreviewboard.org. 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 1400 decisions of the Public Review Board are available in 13 bound volumes and may be ordered from the Purchasing Department, International Union, UAW. The price of the volumes is \$227.10, 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, 2007, there were 10 appeals pending decision by the Board. During the ensuing twelve months, 30 additional appeals were filed. In

calendar 2008, the members of the PRB decided 32 appeals, 1 appeal was withdrawn, leaving 7 appeals pending as of December 31, 2008.

The budget submitted by the PRB to the IEB for calendar year 2008 projected expenditures by the PRB of \$558,650. Actual expenditures were \$555,377. Projected expenditures for 2009 are \$639,440. A statement of cash receipts and disbursements, detailing the costs for operating the Public Review Board in calendar years 2007 and 2008, is included in this Report as Appendixes B and C. The projected budget for calendar year 2009 is included as Appendix D.

APPEALS DECIDED—2008

Case No. 1572 II

Deborah Torres v. UAW Local Union 594 Executive Board, (Pontiac, Michigan) Region 1 (04/23/2008)

Claim:

A trial should have been conducted on charges filed against the Local 594 Shop Committee and Committeeperson Robert Presson pursuant to Article 31 of the International Constitution.

Disposition:

The charges were properly disqualified pursuant to Article 31, §3(d), because they involved a political question which should be decided by the membership at a membership meeting rather than through the trial procedure.

Case No. 1577

Quinnetta Lacey, Member, UAW Local Union 7777 (Detroit, Michigan) v. Region 1, UAW (01/24/2008)

Claim:

The decision to withdraw a grievance protesting Lacey's termination for cashing a stale check lacked a rational basis.

Disposition:

The Union challenged the Casino's rigid application of its variance policy in two prior arbitrations and lost. We cannot reach the conclusion that the Region's decision not to take yet a third grievance to arbitration on this issue lacked a rational basis.

Case No. 1578

Marsha Deliso, Member, UAW Local Union 900, Region 1A (Wayne, Michigan) v. UAW International President (01/24/2008)

Claim:

The Union failed to notify Deliso that a grievance protesting her termination by Ford Motor Company had been settled.

Disposition:

The Company agreed to reinstate Deliso during a meeting on January 18, 2005, but she did not report to work after being instructed to do so. Deliso's claim that the former Chairperson informed her that he would keep her grievance open at the third step and have her returned to medical leave is highly improbable. There is no provision in the National Agreement that would support such a grievance. In any event, the current Chairperson informed Deliso unequivocally on April 10, 2006, that her case had been closed. Deliso did not appeal that decision to the membership within the sixty-day time limit specified in the Constitution.

Appellant's request for reconsideration was denied.

Case No. 1579

Timothy Evans, Michael Lewis, and Michael Ogle, Members, UAW Local Union 863 (Cincinnati, Ohio), Region 2B v. UAW National Ford Department (01/25/2008)

Claim:

Appellants' layoff by Ford Motor Company violated seniority provisions of the UAW/Ford National Agreement.

Disposition:

The UAW Ford Department interpreted the phrase "date of hiring" in Article VIII, §4(a), of the UAW/Ford National Agreement to refer to the date of hire at the physical location rather than date of hire by Ford Motor Company. Appellants

argue that this interpretation was incorrect and violated their seniority rights. This Board is precluded by Article 33, §3(f), of the International Constitution from reviewing a challenge to the UAW Ford Department's interpretation of the National Agreement.

Case No. 1580

David Weir, et al. Members, UAW Local Union 1972 (Benton Harbor, Michigan) v. Region 1D (06/09/2008)

Claim:

Decisions made by the Union with respect to appellants' grievances lacked a rational basis.

Disposition:

The Union sought the best settlements it could obtain with respect to all of the employees discharged as a result of the Company's investigation of its unemployment claims. Once the Union received an unfavorable arbitration decision on the first six grievances, it had to face the likelihood that none of the grievants would be reinstated. Under the circumstances, getting 25 of the discharged employees reinstated was a reasonable bargain. The Union was no longer in a position to insist on absolute equality of treatment.

Case No. 1581

Kenneth Jones, Member, UAW Local Union 1250 (Brook Park, Ohio) v. Region 2B, UAW (02/12/2008)

Claim:

The withdrawal of a grievance protesting the Company's failure to promote Kenneth Jones to the Pyrometer Instrument/Gauge Repair classification was motivated by discrimination or lacking a rational basis.

Disposition:

The posted job was a journeyman position, and the two employees who were selected had documented experience in the Electrician classification. There was no contractual basis for the Union to insist that Ford Motor Company give Jones a chance to learn the job. The Regional Representative withdrew Jones' grievance based on the firmly established principle that management has the

right to base promotions on merit and ability. There was no evidence of discrimination.

Appellant's request for reconsideration was denied.

Case No. 1582

Donn Levin v. UAW Local Union 2250 (Wentzville, Missouri), Region 5 (01/28/2008)

Claim:

All members in the districts affected by a redistricting agreement should have been considered nominated for Committeeperson and Alternate Committeeperson in the election of representatives for the new districts.

Disposition:

A motion to open nominations to all members in the affected districts was ruled improper by the Chairperson at a membership meeting. This appeal seeks to overturn the ruling of the Chairperson on the propriety of the motion. Pursuant to Article 33, §2(b), of the International Constitution, rulings of the Chairperson on procedural questions arising during membership meetings may not be appealed beyond the membership.

Case No. 1583

Gregory G. Nash, Member, UAW Local Union 594 (Pontiac, Michigan), Region 1 v. UAW National General Motors Department (02/12/2008)

Claim:

The settlement of Nash's discharge grievance was influenced by collusion between General Motors and the UAW or lacked a rational basis.

Disposition:

There was no evidence to refute the supervisor's charge that Nash violated Shop Rule #11 on September 6, 2000, by leaving the plant and going to his car without permission. Nash was therefore subject to discharge under the terms of his Last Chance Agreement. The settlement that allowed him to apply for benefits under the Special Attrition Plan was plainly a very good result, probably the best result that could have been obtained. There was no evidence of hostility or collusion on the part of the Representative who negotiated this settlement.

Appellant's request for reconsideration was denied.

Case No. 1584

Clay Staley, Member, UAW Local Union 3000 (Woodhaven, Michigan), Region 1A v. UAW International President (02/13/2008)

Claim:

Staley's appeal should not have been considered withdrawn as a result of his failure to appear at a hearing scheduled by the President's staff.

Disposition:

This record demonstrates that the President's staff considered whether the issues presented by Staley's appeal required Constitutional correction, and they decided that further review was not warranted. There is no claim or evidence that staff abused their discretion in coming to that conclusion. There is no basis, therefore, for this Board to overturn the President's exercise of his discretion in this matter.

Case No. 1585

William T. Parden, Member, UAW Local Union 163 (Westland, Michigan) v. Region 1A, UAW (03/03/2008)

Claim:

The withdrawal of a grievance protesting Parden's termination for being under the influence of alcohol on Company premises lacked a rational basis.

Disposition:

The withdrawal of Parden's grievance was inconsistent with the standard established by the UAW for grievance handlers representing high seniority employees. The Regional Representative's general notion of how arbitrators deal with cases involving the use of drugs and alcohol does not provide a basis for his decision not to pursue arbitration of a grievance involving the discharge of an employee with 23 years of seniority for registering less than 0.02 on a breath alcohol test. Furthermore, we can find no rational basis for the Representative's decision to withdraw the grievance despite the Local Union's expectation that it would be held open until the upcoming Local negotiations. The International Union is instructed to make an effort to persuade the Company to reopen Parden's grievance. We will retain jurisdiction to consider alternative remedies in the event that this effort is unsuccessful.

The parties entered into a settlement agreement on October 7, 2008.

Case No. 1586

Dajuan Tolbert, Member, UAW Local Union 869 (Warren, Michigan), Region 1 v. International Executive Board (04/23/2008)

Claim:

Charges against Local Union Trustees satisfied the requirements of Article 31, §3, of the International Constitution.

Disposition:

A Local Union officer will not be answerable to charges for errors made in performing the duties of his or her office in the absence of an allegation of malice or ill will. The charge that the Trustees failed to follow proper procedures in reporting the results of their audit to the Local Executive Board clearly fails under this rule. There is also no evidence that the Trustees acted maliciously when they obtained access to Tolbert's payroll records.

Case No. 1587

Mark Francis, Member, UAW Local Union 95 (Janesville, Wisconsin), Region 4 v. UAW National General Motors Department (10/29/2008)

Claim:

The handling of Mark Francis' discharge grievance was influenced by hostility and lacked a rational basis.

Disposition:

There was evidence to support the Company's charge that Francis had used the Internet while at work to download pornography. The fact that others were doing the same would not be likely to convince an Umpire that Francis was entitled to a large award of back pay. The settlement achieved by the Region which restored Francis to his job was rational, therefore. Francis established that his supervisor was angry about a health and safety grievance he had filed, but there is no evidence that GM was out to fire Francis over the issue.

Appellant's request for reconsideration was denied.

Case No. 1588

William Hulme v. UAW Northwest Local Union 163 (Westland, Michigan), Region 1A (6/10/2008)

Claim:

The Local Union's settlement of a group of grievances regarding disciplinary actions and violations of overtime provisions lacked a rational basis.

Disposition:

The record establishes that the Local Committeeperson negotiated a settlement of all of Hulme's outstanding grievances based on his investigation and evaluation of their merits. There is no evidence that improper motivations influenced his handling of the matter. The Committeeperson's conclusion that he could not obtain a better result for Hulme from the Umpire did not lack a rational basis.

Case No. 1589

Douglas R. Grima and Joseph S. Hayosh, Members, UAW West Side Local Union 174 (Romulus, Michigan), Region 1A v. International Executive Board (08/25/2008)

Claim:

The IEB's decision to overturn the results of the Local Union's election of officers was arbitrary and unsupported by the evidence in the record.

Disposition:

Candidates in the election had challenged the eligibility of retirees from the former Local 174 to vote in the election. Under the circumstances, the Election Committee should have determined which members were from the old Local Union and issued them challenged ballots. Furthermore, the retirees from the old Local were appointed to the Election Committee and actively participated in making decisions about arrangements for tabulating the ballots. This level of involvement by appointed members violated Article 38, §10(c), of the Constitution. In addition, the IEB's investigation revealed that the Election Committee did not follow the very specific and detailed rules set forth in the *UAW Guide to Local Election Committees* in connection with the tabulation of the ballots and the maintenance of election materials after the vote was cast. These deficiencies, when coupled with the Local Union officers' dismissive treatment of the concerns raised by the protesters prior to the election justified the IEB's decision to overturn the results of the election.

Case No. 1590

Doug Hanscom, Member, UAW Local Union 435 (Wilmington, Delaware) v. Region 8 (08/29/2008)

Claim:

The decision to withdraw a grievance protesting discipline assessed by GM in response to a newsletter Hanscom posted on the Internet was irrational and violated Hanscom's right to free speech guaranteed by the Ethical Practices Codes.

Disposition:

The Democratic Practices section of the UAW Ethical Practices Codes protects a member's right to criticize the policies and personalities of Union officials, but that protection does not create an obligation on the part of the Union to pursue to

arbitration any grievance protesting the employer's interference with this right. Hanscom apparently wanted the Union to obtain some kind of written guarantee from GM to protect him from future discipline as a result of his newsletter. That kind of protection cannot be obtained through the grievance procedure.

Case No. 1591

Arnold Gillert, et al., Members, UAW Local Union 160 (Warren, Michigan) v. UAW Local Union 594 (Pontiac, Michigan) Region 1 (06/10/2008)

Claim:

The settlement of grievances regarding full utilization and the manner in which the settlement money was distributed lacked a rational basis.

Disposition:

The Local 594 Shop Committee negotiated vigorously with management over a period of several years at the Pontiac location to resolve the full utilization issues. The Union did obtain a substantial monetary settlement from the Company. The Local Shop Committee's conclusion that it had reached the end of fruitful negotiations on that subject did not lack a rational basis. The basis of appellants' claim that they were entitled to a proportionally larger share of the settlement money is not clear from this record. In any event, the appellants were unable to convince the membership that there was anything unfair about the division of the proceeds.

Case No. 1592

Dorothy Burnes, Member, UAW Local Union 659 (Flint, Michigan), Region 1C v. International Executive Board, UAW (09/03/2008)

Claim:

The IEB should have reinstated a grievance protesting Burns' termination.

Disposition:

The Local Union pursued all avenues of settlement short of arbitration in an attempt to have Burns reinstated. None of Burns' arguments refute the Local Committeeperson's assessment that the case could not be successfully arbitrated, so there was nothing further that could be obtained through the grievance procedure.

Case No. 1593

*Art Pedersen, Member, UAW Local Union 600 (Dearborn, Michigan
v. International Executive Board (09/03/2008)*

Claim:

Pedersen filed a timely appeal from the Ford Department's decision to withdraw his grievance.

Disposition:

Pederson has provided sufficient evidence to corroborate his claim that he submitted his appeal to the IEB within the Constitutional time limits. Under the circumstances, the member is entitled to the benefit of the doubt.

Case No. 1594

*Dennis Gordon v. UAW Local Union 1112 (Warren, Ohio) Region 2B
(06/11/2008)*

Claim:

The Local Union's refusal to file a grievance charging management with an unfair application of the rules of its retirement program lacked a rational basis.

Disposition:

Gordon has not identified any violation of his rights under the collective bargaining agreement or the retirement program. The fact that management chose to retain three employees beyond the mandatory retirement date of July 1, 2006, has no bearing on Gordon's situation.

Appellant's request for reconsideration was denied.

Case No. 1595

*Larry Siwek, Member, UAW Local Union 594 (Pontiac, Michigan)
v. UAW National General Motors Department (10/30/2008)*

Claim:

The Union should have pursued a grievance challenging the transfer of work to outside contractors and salaried employees.

Disposition:

Bargaining unit employees had been performing a number of functions to ensure the quality of products received by GM from outside vendors. The Company eventually addressed quality control problems by dealing directly with the vendors. As a result, much of the work that had been done by appellant's classification was eliminated. The Union could not insist that the Company is precluded from demanding quality parts from suppliers based on a claim that the work of correcting inadequate parts belonged to bargaining unit employees.

Case No. 1596

*Michael Breckenridge, Member, UAW Local Union 163 (Westland, Michigan)
v. Region 1A (09/04/2008)*

Claim:

The Company incorrectly applied Paragraph (86) of the GM-UAW National Agreement, which describes when employees are entitled to be paid double time, to third shift employees.

Disposition:

The possible disadvantage to third shift employees identified by appellant results from the parties' agreement to treat the shift beginning at 10:30 p.m. on Sunday as the first shift of the week, or the Monday shift. The Union has demonstrated that this has been the longstanding practice at this location. These practices vary from location to location and there is nothing irrational about the practice consistently applied at this plant.

Case No. 1597

Deniese Alejandro v. UAW Local Union 2244 (Fremont, California), Region 5 (10/28/2008)

Claim:

Charges against appellant failed to satisfy Article 31, §3(a) through (e), of the UAW International Constitution, and the trial conducted on the charges violated Alejandro's right to due process.

Disposition:

Three of the charges satisfied the requirements of Article 31, §3, of the International Constitution, so it was proper for the Local Union to conduct a trial on those charges. The trial on the charges was not conducted in accordance with the procedures outlined in Article 31 of the Constitution and the UAW Ethical Practices Codes, however. The manner in which the Trial Committee members were selected created an appearance of unfairness and political influence. The refusal by the Local Union President to excuse Alejandro's witnesses until after the trial was underway and the refusal by the Trial Committee to give Alejandro the opportunity to confront her accusers violated well-established principles of due process. Alejandro objected to these procedures at the commencement of the trial. At that point, it was the duty of the Trial Committee to postpone the trial until these defects could be corrected.

The Union's request for reconsideration was denied.

Case No. 1598

Kathy Otto, Member, UAW Local Union 1292 (Grand Blanc, Michigan), Region 1C v. Local Union 1292 Executive Board (11/24/2008)

Claim:

Charges submitted pursuant to Article 31 of the Constitution should not have been disqualified by the application of Article 31, §3(e), of the International Constitution.

Disposition:

Article 31, §3(e), has the narrow function of weeding out artfully drafted charges which lack any tangible corroboration in the real world. It is not intended to invest Local Executive Boards with the authority to rule on the reliability or sufficiency of the evidence to support the charges. That is exclusively the role of the Trial

Committee. It was error, therefore, for the IEB to dismiss the evidence presented by Otto to satisfy Article 31, §3(e), as unreliable or insubstantial.

Case No. 1599

Dale Abronowitz and Gary Bodiford v. UAW Local Union 2256 Executive Board (Lansing, Michigan), Region 1C (09/25/2008)

Claim:

Charges against the Local 2256 President and Chief Steward satisfied the requirements of Article 31, §3, of the International Constitution.

Disposition:

Appellants' charges have mainly to do with the method by which the terms of the current collective bargaining agreement were communicated to the membership and the assertion that the employer made unilateral changes to the working conditions of City employees. All of these complaints ought to have been addressed in grievances or presented to the membership as appeals pursuant to Article 33 of the Constitution. Article 31 does not offer an alternate route of appeals for members dissatisfied with action or inaction by Local Union officials.

Case No. 1600

Cecil Addison, Member, UAW Local Union 2069 (Dublin, Virginia) v. Region 8 (12/16/2008)

Claim:

The Union's handling of a grievance protesting Addison's termination was influenced by discrimination and lacked a rational basis.

Disposition:

At the time of his discharge, Addison was working under the terms of a reinstatement agreement which stated that future violations of Company shop rules would result in discharge. Addison was discharged for violating a Company policy prohibiting employees from reporting to work for overtime before 5:00 a.m. Addison claimed that he did not know about the policy, but the record demonstrates that the employees in his department had been reminded about it at least once. Addison's failure to keep himself informed about the rules operating in his department can be said to have amounted to defiance of those rules. The Regional Representative's decision that the reinstatement agreement

would prevent him from obtaining any relief for Addison through the grievance procedure did not lack a rational basis, therefore. There is no evidence to connect Addison's discharge to the EEOC charge he filed about having been denied a promotion.

Case No. 1602

*Michael Pappas, Member, UAW Local Union 600 (Dearborn, Michigan)
v. Region 1A (10/28/2008)*

Claim:

The decision to withdraw a grievance protesting Pappas' termination for violating the terms of his reinstatement waiver lacked a rational basis.

Disposition:

The Company's Rules of Conduct state unequivocally that leaving the plant without permission and overstaying lunch period can lead to disciplinary action. Pappas does not deny that he left the plant without permission and overstayed his lunch period. He was working under the terms of a reinstatement waiver which precluded him from challenging the reasonableness of any penalty. There was nothing for the Union to argue on his behalf under these circumstances, so the decision to withdraw his grievance was rational.

Case No. 1603

*Alvin Carthon, Sr. v. UAW Local Union 2297 (Shreveport, Louisiana), Region 5
(12/16/2008)*

Claim:

Improprieties affected the outcome of the Local Union's general election of officers and protests were not processed in accordance with the UAW International Constitution.

Disposition:

It was error for the Local Union President to refuse to allow the membership to vote on the protests. The language of Article 38, §11, that he referred to as support for this decision only applies where membership meetings have been suspended for the summer months in accordance with Article 37, §4(c), of the Constitution. The error does not require a new election, however. Appellant's allegations about the Local Union's inability to determine voter eligibility were not

raised until after the results of the initial election were posted and the voting in the run-off election had already taken place. This Board has consistently rejected post-election challenges based on claims of voter ineligibility. Furthermore, there is no evidence that a large number of eligible voters did not receive notice of the election. Appellant had access to the Local Union's mailing list prior to the election and he raised no objection to it.

Appellant's request for reconsideration was denied.

Case No. 1604

Corinne Franks, et al., Members, UAW Local Union 7777 (Detroit, Michigan), Region 1 v. International Executive Board (11/25/2008)

Claim:

The rerun of Local 7777's triennial election should have included all of the candidates who ran in the original election.

Disposition:

Although it would have made more sense to include all of the candidates in the rerun election, this is not a sufficient basis for ordering Local 7777 to conduct its election of officers for yet a third time. The decision to exclude the non-executive officers was not in direct conflict with any Constitutional requirement. In order to justify another election, appellants would have to show that the IEB's decision deprived the membership of a fair election, and they have not done that.

Case No. 1606

Doug Grima, Member, UAW West Side Local Union 174 (Romulus, Michigan) v. Regional Director Rory Gamble, Region 1A (11/24/2008)

Claim:

There was no basis for the imposition of an administratorship over the affairs of Local 174 and the administrator removed Grima from office as Local Union President to prevent him from participating in the rerun of the officers' election previously ordered by the IEB.

Disposition:

There is no evidence in the record that an administratorship was necessary to prevent corruption or financial misconduct within the meaning of Article 12, §3(a),

of the Constitution. The fact that Grima questioned the propriety of pension and insurance contributions for the Local Union's part-time janitor does not amount to financial malpractice. The decision to impose an administratorship to restore democratic practices pursuant to Article 12, §3(c), of the Constitution can only be understood in the context of the problems that occurred during the first election of officers. The executive officers of West Side Local 174 breached UAW democratic procedures by refusing to allow alternative views of election procedures to be discussed at a meeting of the Joint Council. The administrator might have removed the entire executive board in order to restore the democratic decision making process. The explanation for singling out Grima is not convincing, however. The issue of his removal has been rendered moot by a subsequent election. Grima's protest of that election must be addressed in a separate appeal.

Case No. 1607

Charles Collins, et al., Members, UAW Local Union 600 (Dearborn, Michigan) v. Region 1A (11/25/2008)

Claim:

An agreement to allow truck drivers to retain their higher wage rate after transferring into the general utility classification discriminated against appellants.

Disposition:

The agreement negotiated in 2006 that protected the truck drivers' wages until August 1, 2008, was well within the range of reasonableness allowed to a labor organization in the negotiation of contracts. The fact that the Union was able to obtain better terms for the truck drivers transferring into the general utility classification in 2006 than those which applied to transferees in 2004 is not the basis for any claim.

Case No. 1608

Shirley Barbour, et al, Members, UAW Local Union 1183 and UAW Local Union 1212 (Newark, Delaware), Region 8 v. International Executive Board (11/25/2008)

Claim:

False representations made by Local Union officers deprived appellants of the opportunity to take advantage of a retirement incentive program.

Disposition:

Appellants knew soon after the retirement program was announced in February 2007 that the Local Union was not going to protest their ineligibility or provide them with any other relief. They did not submit their appeal to the IEB until January 3, 2008. That was clearly beyond the time limits specified in the UAW Constitution.

Case No. 1610

Dale Abronowitz and Merl McVay v. UAW Local 2256 Executive Board (Lansing, Michigan), Region 1C (12/17/2008)

Claim:

Charges filed by Merl McVay against the Local 2256 President satisfied the requirements of Article 31, §3, of the International Constitution.

Disposition:

The charges were properly disqualified by the Local Executive Board pursuant to Article 31, §3(c), of the International Constitution because they do not describe any act that would constitute a violation of the Constitution or conduct unbecoming a Union member.

APPENDIX A

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1577	Quinetta Lacey, Member, UAW Local Union 7777 v. Region 1, UAW	
1578	Marsha Deliso, Member, UAW Local Union 900 v. International President	
1579	Timothy Evans, et al., Members, UAW Local Union 863 v. UAW National Ford Dept.	
1580	David Weir, et al, Members, UAW Local Union 1972 v. Region 1D	
1581	Kenneth Jones, Member, UAW Local Union 1250 v. Region 2B	
1582	Donn Levin v. UAW Local Union 2250	
1583	Gregory G. Nash, Member, UAW Local Union 594 v. National General Motors Dept.	
1584	Clay Staley, Member, UAW Local Union 3000 v. International President	
1585	William T. Parden, Member, UAW Local Union 163 v. Region 1A	
1586	DaJuan Tolbert, Member, UAW Local Union 869 v. International Executive Board	
1587	Mark Francis, Member, UAW Local Union 95 v. National General Motors Dept.	
1588	William Hulme v. Northwest UAW Local Union 163	
1589	Douglas R. Grima and Joseph S. Hayosh, Members, West Side Local Union 174, UAW v. International Executive Board	

- 1590 Douglas Hanscom, Member,
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- 1591 Arnold Gillert, et al., Members,
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- 1592 Dorothy Burnes, Member,
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- 1595 Larry Siwek, Member,
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- 1596 Michael Breckenridge, Member,
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- 1597 Deniese Alejandro v. UAW Local Union 2244
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- 1600 Cecil Addison, Member,
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- 1602 Michael Pappas, Member,
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- 1603 Alvin L. Carthon, Sr. vs. UAW Local Union 2297
- 1604 Corinne Franks, et al., Members,
UAW Local Union 7777 v. International Executive Board
- 1606 Doug Grima, Member, UAW Local Union 174
v. Regional Director Rory Gamble, Administrator,
and UAW Local Union 174

- 1607 Charles Collins, et al., Members,
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- 1608 Shirley Barbour, et al., Members,
UAW Local Union 1183 and UAW Local Union 1212
v. International Executive Board
- 1610 Dale Abronowitz and Merl McVay
v. UAW Local Union 2256 Executive Board

APPENDIX B

THE PUBLIC REVIEW BOARD INTERNATIONAL UNION, UAW

STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS (Comerica-Plymouth)

January 1 to December 31, 2007

Receipts

International Union, UAW	\$	540,028
Interest income		<u>543</u>
	\$	<u>540,571</u>

Disbursements

Compensation-Board Members	120,890
Salaries-Staff	242,238
Social Security and Payroll Taxes	17,410
Telephone	2,500
Office Supplies and Expense	20,162
Taxes, Federal, State, and Local	785
Insurance – Health	59,295
Insurance – Other	1,483
Executive Sessions and Hearings	20,013
Rent	9,450
Accounting Fees	4,500
Pension Administraton Fees	1,168
Attorney Fees	9,217
Website	515

Total Disbursements 509,626

Change in net assets	30,945
Net assets, beginning of year	<u>86,115</u>
Net assets, end of year	<u>\$ 117,060</u>

Cash in bank	\$ 106,032
Certificate of Deposit	<u>11,028</u>

Total Net Assets \$ 117,060

APPENDIX C

THE PUBLIC REVIEW BOARD INTERNATIONAL UNION, UAW

STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS (Comerica-Plymouth)

January 1 to December 31, 2008

Receipts

International Union, UAW	\$	544,434
Interest income		<u>279</u>
	\$	<u>544,713</u>

Disbursements

Compensation-Board Members	140,880
Salaries-Staff	255,220
Social Security and Payroll Taxes	18,392
Telephone	3,129
Office Supplies and Expense	21,127
Taxes, Federal, State, and Local	848
Insurance – Health	60,642
Insurance – Other	4,315
Executive Sessions and Hearings	34,415
Rent	9,450
Accounting Fees	4,500
Pension Administraton Fees	1,090
Attorney Fees	809
Website	530

Total Disbursements 555,377

Change in net assets	(10,664)
Net assets;unrestricted, beginning of year	<u>117,060</u>
Net assets; unrestricted, end of year	<u>\$ 106,396</u>

Cash in bank	\$ 95,162
Certificate of Deposit	<u>11,234</u>

Total Net Assets - Unrestricted \$ 106,396

APPENDIX D

THE PUBLIC REVIEW BOARD
INTERNATIONAL UNION, UAW

ESTIMATED BUDGET

January 1 to December 31, 2009

Current Assets

Cash in bank	12/31/07	\$95,162
Certificate of Deposit		11,234

Total **\$106,396**

Receipts:

International Union, UAW	1/1/08- 12/31/08	\$544,434
Interest Income		<u>279</u>

Total Receipts

\$544,713

Disbursements

**Actual
2008**

Proposed

2009

Compensation-Board Members	\$140,880	125,000
Staff salaries	255,220	275,000
Payroll taxes	18,392	21,000
Telephone	3,129	3,000
Office supplies and expenses	21,127	22,000
Taxes – federal, state and local	848	850
Insurance		
Health	60,642	62,000
Other	4,315	4,500
Pension Plan Contribution	-0-	75,000
Executive sessions and hearings	34,445	35,000
Rent and utilities	9,450	9,450
Accounting fees	4,500	5,000
Pension administraton fees	1,090	1,090
Attorney fees	809	-0-
Website	<u>530</u>	<u>550</u>

Total Disbursements

\$555,377

\$639,440