

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

APPEAL OF:

AL EDWARDS,  
Appellant

-vs-

CASE NO. 1468

UAW LOCAL UNION 148  
(Lakewood, California)  
REGION 5  
(THE UNITED AUTOMOBILE, AEROSPACE  
AND AGRICULTURAL IMPLEMENT  
WORKERS OF AMERICA),  
Appellee.

**DECISION**

(Issued June 22, 2004)

PANEL SITTING: Prof. Theodore J. St. Antoine, Chairperson,  
Prof. Benjamin Aaron, Prof. Janice R. Bellace,  
Prof. James J. Brudney, Prof. James E. Jones,  
Jr., and Prof. Paul C. Weiler.

APPEARANCES: Wilbert D. Sonnier and Al Edwards on behalf of  
appellants; Bill Schultz and Jacki Harris on  
behalf of Local 148; Eunice Stokes-Wilson on  
behalf of the International Union, UAW.

Al Edwards argues that Local Union 148 should have paid three alternate delegates for expenses incurred attending the 33<sup>rd</sup> Constitutional Convention and reimbursed delegate Joyce Sonnier for paying the balance due on another delegate's hotel room. Edwards further argues that it was a violation of the Ethical Practices Codes, the International Constitution or conduct unbecoming a union member for the Local Union President to seek advice from the International Union on the propriety of paying these expenses.

**FACTS**

The membership of UAW Local 148 passed the following motion during a meeting on March 28, 2002:

"That the Local answer the call letter and send (9) delegates to the 33<sup>rd</sup> Constitutional Convention June 2, 2002, through June 7, 2002, in Las Vegas,

Nevada. Registration, (5) nights hotel (DBL occupancy when possible) travel per diem, lost time included. Alternate delegates will attend Convention when required.”<sup>1</sup>

At a General Membership meeting on July 25, 2002, Local 148 member Al Edwards introduced the following motion:

“Dated 7/25/02. The delegates and alternate delegate to the 33<sup>rd</sup> Convention is very optimistic that Local #148 Executive Board will recommend that one delegate, Joyce Sonnier, be paid for hotel bill of \$258.00. Also that alternate delegates be paid for all expenses – hotel, per diem, plus lost time:

Alternate Delegates:

1. Vicki Meadows
2. Al Edwards
3. William Lovell

Union Always,  
/s Joyce Sonnier”<sup>2</sup>

Local 148 President Bill Schultz ruled this motion out of order. Shultz argued that the issue had been settled during the April meeting, so that a new motion could not be considered. The minutes of the July 25 meeting indicate that at this point Recording Secretary Jacki Harris retrieved a copy of the April minutes. Recording Secretary Harris read the following motion from the April minutes:

“Sister Joyce (Mills) Sonnier submitted a motion to send all the elected alternate delegates to the 33<sup>rd</sup> Constitutional Convention.”<sup>3</sup>

Recording Secretary Harris read from the April meeting minutes to describe what took place on Sonnier’s motion in April:

“Vice President Richard Alonzo ruled the motion out of order stating that this motion had been previously presented at the March 2002, membership meeting,

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<sup>1</sup> Record, p. 4.

<sup>2</sup> Record, p. 7.

<sup>3</sup> Record, p. 8.

voted on, carried and acted on. Also, the minutes of the March meeting had been approved at this meeting.

On a point-of-information, Sister Sonnier said that she had been at the March meeting but did not remember the motion or the vote.”<sup>4</sup>

The minutes of the April meeting reflect that Recording Secretary Harris retrieved the minutes of the March 28, 2002, meeting and read the motion that had been passed during that meeting.

After reporting the text of the March and April minutes read by Recording Secretary Harris, the July minutes state:

“After both minutes were read, Brother Schultz agreed that the original motion was not clear and would allow new motion.

The Recording Secretary then re-read the motion.”<sup>5</sup>

The minutes of the July 25 meeting indicate that Edwards’ motion passed by a vote of 66 to 32.<sup>6</sup>

On August 2, 2002, President Schultz wrote to International President Ron Gettelfinger asking whether it would be proper for him to pay the delegates in accordance with the motion passed at the July Membership meeting.<sup>7</sup> Schultz stated that he felt that the motion introduced at the July meeting was improper because it amounted to an attempt to reconsider or rescind a motion that had already been voted on and carried out. He wrote:

“Under the basic rule of order a move to reconsider a motion must be brought before the membership by the next meeting and or before the motion was partially or fully carried out. I believe the motion was invalid in that Brother Al Edwards was not present at the March meeting and did not vote with the majority and as I before mentioned was fully acted upon.”<sup>8</sup>

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<sup>4</sup> Record, p. 8.

<sup>5</sup> Record, p. 8.

<sup>6</sup> Record, p. 9.

<sup>7</sup> Scultz refers to the General Membership meeting on July 27<sup>th</sup>, but the minutes in the record are dated July 25, 2002. (Record, pp. 5-12, 13)

<sup>8</sup> Record, p. 13.

President Gettelfinger's Administrative Assistant, Dottie Jones, responded to President Schultz on August 12, 2002. She stated that since the three alternate delegates were not authorized by the Local to be reimbursed for expenses incurred attending the Convention, it would be improper to pay them.<sup>9</sup> On August 16, Jones sent a second letter to Schultz asking why Joyce Sonnier was asking to be paid, since the Convention record showed that she did attend the Convention as one of the elected delegates representing UAW Local 148. Jones noted that as an elected delegate, Sonnier should have been paid in accordance with the motion passed at the March 28, 2002, membership meeting.<sup>10</sup>

President Schultz responded to Jones' inquiry on August 20. He explained that three of the elected delegates were women and that Joyce Sonnier won a lottery to have her own room. Angel Best-Brown and Brenda Beaucham were to share a room, but instead, Best-Brown stayed in a room with her husband and asked the hotel to credit her portion of the room paid for by the Local to the cost of the room she shared with her husband. This would have left Beaucham with an outstanding balance due on her single room. When the hotel personnel called the Local for instructions on how to bill the rooms, they were advised to apply the Local's payment to the room that was supposed to have been shared by Best-Brown and Beaucham. Therefore, when Best-Brown and her husband went to check out, there was an outstanding balance due on their room of \$258.00, which they could not pay. Joyce Sonnier paid the balance due on Best-Brown's room and then asked to be reimbursed by the Local. When Local Financial Secretary Liz Jones refused to reimburse Sonnier, she took her request to the membership. According to Schultz, Sonnier first introduced her request at the June 2002 membership meeting, but Vice President Richard Alonzo ruled the motion out of order. Al Edwards then introduced the motion at the July membership meeting.<sup>11</sup>

Administrative Assistant Dottie Jones responded to Schultz that the Local had paid for the one room as directed by the membership. Jones pointed out that Best-Brown, rather than the Local Union, owed the money to Sonnier.<sup>12</sup>

On October 24, 2002, Al Edwards appealed the Local Union's refusal to pay him, Joyce Sonnier, Vickie Meadows and William Lovell for the expenses they incurred attending the 33<sup>rd</sup> Constitutional Convention in accordance with the membership's directive at the July 25, 2002, membership meeting. Edwards stated that he first learned that the Local had been instructed by Administrative Assistant Dottie Jones not to make the payments at the membership meeting on September 4, 2002. Edwards asked the membership to reaffirm its decision to pay Joyce Sonnier and the alternate delegates.<sup>13</sup>

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<sup>9</sup> Record, p. 15.

<sup>10</sup> Record, p. 16.

<sup>11</sup> Record, pp. 18-19.

<sup>12</sup> Record, p. 21.

<sup>13</sup> Record, pp. 28-29.

Edwards also presented an Ethical Practices Complaint to the membership on October 24. Edwards argued that it was a violation of the requirement in the UAW Democratic Practices Code that all union rules and laws must be fairly and uniformly applied for Schultz and Jones to dispose of the membership's directive through letters to one another. Edwards asserted that if Schultz disagreed with the membership's decision, he should have been instructed to file an appeal pursuant to Article 33 of the Constitution. Edwards asked the membership to order Jones not to interfere in the internal affairs of UAW Local 148 unless she is acting under specific Constitutional authority.<sup>14</sup>

Edwards reports that when he read his appeal and his Ethical Practices Complaint to the membership on October 24, President Schultz ruled his motion out of order. His attempt to challenge the ruling of the chair was also declared out of order. Edwards states that President Schultz instructed him to appeal to the International Union.<sup>15</sup> Edwards submitted his appeal and Ethical Practices Complaint to the International Executive Board (IEB) on October 31, 2002.

Edwards also filed charges against President Schultz pursuant to Article 31 of the Constitution on November 3, 2002. Edwards charged that Schultz' refusal to pay the alternate delegates and Joyce Sonnier for their expenses amounted to conduct unbecoming a union member and violated Articles 33, 39 and 40 of the International Constitution, as well as Article 2, §4(g), of the Local Union Bylaws.<sup>16</sup> Edwards' charges were read at a meeting of the Local 148 Executive Board on November 21. On December 2, Recording Secretary Harris advised Edwards that the Local Executive Board found his charges against Shultz to be improper under Article 31, §3(b), of the International Constitution.<sup>17</sup> Edwards appealed the Local Executive Board's disqualification of his charges to the IEB on December 19, 2002.

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<sup>14</sup> Record, pp. 30-32.

<sup>15</sup> Record, p. 58.

<sup>16</sup> Edwards' three charges read as follows:

"Charge 1 – Brother Schultz' refusal to pay Sister Joyce Sonnier, Sister Meadows, Brother Lovell, and Brother Edwards, as directed by the Local 148 membership violated the "sign all orders on the treasury authorized by the Local Union," provision of Article 40, §1, of the International Constitution. (Record, p. 63)

Charge 2 – Brother Schultz' refusal to pay Sister Joyce Sonnier, Sister Vickie Meadows, Brother William Lovell, and Al Edwards violated Articles 33, 39, and 40 of the International Constitution and Article 2, §4(g), of the Local 148 Bylaws. (Record, p. 66)

Charge 3 – Brother Shultz' refusal to pay Sister Joyce Sonnier, Sister Meadows, Brother Lovell, and Brother Edwards as directed by the Local 148 membership was conduct unbecoming a member of the union. (Record, p. 67)

<sup>17</sup> Record, p. 59.

Wilbert Sonnier submitted statements in support of Edwards' three appeals to the IEB. According to Sonnier and Edwards, Local 148 had always in the past sent all elected delegates and alternate delegates to the Constitutional Convention.<sup>18</sup> In 2002, however, candidates for the Alliance Caucus won 8 out of 9 of the delegate positions and 8 out of 9 of the alternate delegate positions. Sonnier and Edwards stated that the Local 148 Executive Board is controlled by the RAP Caucus. Sonnier asserted that the Local Executive Board decided to deny the successful candidates for alternate delegates the same benefits that had been provided in the past. Thus, the Executive Board made the recommendation, which the membership adopted at the meeting on March 28, 2002, to pay only the 9 delegates.

Sonnier argued that Edwards did everything in his power to get the membership's approval of his Ethical Practices Complaint against Administrative Assistant Jones, as required by Article 32, §2(b), of the Constitution, but that President Schultz prevented him from presenting his Complaint to the membership at the meeting on October 24. Sonnier urged that Edwards should therefore be excused from seeking the membership's approval of his Complaint against Jones.<sup>19</sup> Sonnier repeated Edwards' charge that it was undemocratic for Schultz and Jones to discuss and overrule the membership's directive to pay Joyce Sonnier and the alternate delegates by means of personal correspondence without involving all of the parties. Sonnier stated that Schultz should have been directed to appeal the membership's action pursuant to Article 33 of the Constitution. Sonnier asked that the IEB direct President Schultz and Recording Secretary Harris to pay the alternate delegates and Joyce Sonnier in accordance with the membership's July 25 instruction. In addition, Sonnier asked the IEB to declare the actions of Schultz and Jones improper and unconstitutional.

Because President Schultz did not allow Edwards' Article 33 appeal to be presented to the Local membership, Sonnier stated that the IEB should either remand the matter so that Edwards could present his claims and evidence to the membership, or else conduct its own investigation. In support of this assertion, Sonnier cited the Public Review Board's (PRB's) decision in *Down v. Local Union 2250, UAW*, 6 PRB 193 (1991).<sup>20</sup>

With respect to the merits of Edwards' appeal, Sonnier maintained that the membership's approval of the motion to pay the alternate delegates and Joyce Sonnier was proper under Article 46, §1, of the UAW Constitution. Sonnier argued that the membership is the ultimate authority regarding what is a necessary expense within the meaning of Article 46, §1. He pointed out that the PRB has always been reluctant to interfere with the determination of a local union membership that an expenditure is necessary, citing *Appeal of Albert Dawkins*, 2 PRB 296 (1975); *Leslie v. Local 206*,

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<sup>18</sup> Record, pp. 36 and 57.

<sup>19</sup> Record, p. 40.

<sup>20</sup> Record, p. 51.

*UAW*, 2 PRB 747 (1978); and *Toth v. Local 723, UAW*, 5 PRB 644 (1989).<sup>21</sup> Furthermore, Sonnier stated that the International Union's position in *Mertz v. Local Union 2256, UAW*, PRB Case No. 1297 (2001), was exactly opposite from the position it took in response to Schultz's inquiry. Sonnier stated:

“...Certainly, if Sister Jones advocated that funding a race car in *Mertz v. Local Union 2256, UAW*, PRB Case No. 1297 (2001), was a “necessary expense,” then logically, attendance at the 33<sup>rd</sup> Constitutional convention should have been a “necessary expense” as well.”<sup>22</sup>

In any event, Sonnier insisted that Schultz' letter to President Gettelfinger and Dottie Jones' response were inappropriate, because there is no Constitutional authority for such “requests for clarification.” Sonnier stated that the issue raised by Schultz, whether Edwards' motion at the July meeting amounted to reconsideration of a motion that had already been carried out, was a procedural matter that should have been resolved by the membership during the meeting. He pointed out that President Schultz allowed Edwards' motion to be presented and voted on at the July meeting, and no one raised a point of order or challenged the chair. Sonnier concluded:

“...Brother Schultz' request for clarification amounts to nothing more than a lack of knowledge regarding Robert's Rules of Order. His remedy is to learn Robert's Rules of Order rather than run to the International for help it cannot provide per its own Constitution.”<sup>23</sup>

Sonnier requested the same relief in response to Edwards' appeal as he had on Edwards' Ethical Practices Complaint.

Sonnier also submitted a statement in support of Edwards' appeal from the Local Executive Board's determination that his charges against Schultz were untimely and thus disqualified pursuant to Article 31, §3(b). Sonnier argued that Edwards' charges were timely because he first learned of President Schultz' correspondence with Jones and his determination not to pay Joyce Sonnier and the alternate delegates at the membership meeting on September 4, 2002, and he filed his charges on November 3, 2002. Thus, Sonnier asserted that Edwards' charges were timely within the meaning of Article 31, §3(b), of the Constitution.<sup>24</sup>

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<sup>21</sup> Record, p. 55.

<sup>22</sup> Record, p. 55.

<sup>23</sup> Record, p. 54.

<sup>24</sup> Record, p. 72.

The President's office determined that a hearing was unnecessary on the three appeals and decided the case based upon information provided by appellant and the Local Union. The President's Administrative Assistant, Gary Bryner, prepared a report on the appeal for the IEB. Bryner held that in order for members to receive expenses and lost time for attending a union function, they must obtain prior authorization from the membership to attend the function.<sup>25</sup> Since the three alternate delegates did not have prior approval from the membership to attend the Constitutional Convention, Bryner concluded that it would have been improper for the Local to pay their expenses. Bryner also held that it would have been improper for the Local Union to have paid Joyce Sonnier for a loan that she made to another member.

Bryner did not comment on the Local Executive Board's finding that Edwards' charges were untimely, but he held that the allegations made by Edwards did not amount to conduct unbecoming a union member or a violation of the International Constitution. Thus, Bryner found that the charges were disqualified pursuant to Article 31, §3(c), of the Constitution.<sup>26</sup>

With respect to Edwards' Ethical Practices Complaint, Bryner held that Schultz' correspondence with the President's office did not circumvent the appeal procedure outlined in Article 33. He stated that nothing in the Constitution prohibits a Local Union President from seeking advice from the International President's office.<sup>27</sup> Bryner denied the three appeals and his decision was adopted by the IEB. The IEB notified Edwards of its decision on October 7, 2003. Edwards appealed the IEB's decision to the PRB on November 5, 2003. We heard the parties in oral argument on May 22, 2004.

## ARGUMENT

### **A. Al Edwards, by his representative, Wilbert D. Sonnier:**

The motion passed at the membership meeting on March 28, 2002, did not preclude sending alternate delegates to the Convention; it stated that they would attend when required. Joyce Sonnier introduced a motion at the April meeting to clarify the issue. Her motion was to send all of the delegates, but Vice President Alonzo ruled this motion out of order. When the motion to pay the three alternate delegates and Joyce Sonnier for expenses incurred at the 33<sup>rd</sup> Constitutional Convention was first introduced at the July 25 membership meeting, President Schultz ruled the motion out of order. There was a challenge to the chair; in response to that challenge, President Schultz reversed himself and allowed the motion.

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<sup>25</sup> Record, p. 87.

<sup>26</sup> Record, p. 88.

<sup>27</sup> Record, p. 89.

There is no dispute that the membership approved the motion introduced during the July meeting. If President Schultz did not agree with the membership's action, he should have appealed pursuant to Article 33 of the International Constitution.

When Edwards appealed the decision of the Local officers not to pay the alternate delegates in accordance with the membership's directive, the IEB denied his appeal based on its erroneous claim that Article 46, §1, of the Constitution requires prior approval of expenditures. The claim is contrary to the PRB's holding in *Ethical Practices Complaint of Frank Toth, (Local Union 723, UAW)*, 3 PRB 195, (1982). In that decision, the Board stated:

“...The Constitution does require membership approval of Local Union expenditures, as Toth correctly points out. It does not, however, require prior approval. The framers of the Constitution could have provided for prior approval of Local Union expenditures, but they did not. Possibly they were concerned over the effects which a requirement of prior approval would have upon the ability of a local union to transact business. In any case, prior approval is clearly not a Constitutional requirement. We will not construe the Constitution to include a key word which is not there. ...” (3 PRB at 198)

Furthermore, there is nothing in the Bylaws of Local 148 that would require prior approval of necessary expenses.

UAW precedent also provides that the membership is the ultimate authority regarding what is a “necessary expense” within the meaning of Article 46, §1. Joyce Sonnier's and the alternate delegates' expenses were presented to the membership for questioning and discussion, and the membership concluded that they were justified. That decision is within their Constitutional authority. It is their call to make. Neither President Schultz nor Administrative Assistant Jones has any basis for setting aside the membership's decision in this respect. The membership's decision on this issue was consistent with the Local's past practice. Local 148 has always sent all of its alternate delegates to Convention.

The PRB's decision in *King v. Local Union 600, UAW*, 5 PRB 265 (1986), supports appellant's argument that it was the membership's right to determine whether the expenses incurred by the alternate delegates and Joyce Sonnier were necessary. In that case, the Public Review Board upheld the IEB's determination that it was proper for the Local to send non-elected delegates to the Convention. The case of *Yettaw v. Local 599, UAW*, 8 PRB 363 (1994), involved a situation analogous to this one. In that case, the president of a local union refused to pay delegates to a skilled-trades conference because he believed their attendance was unnecessary, even though the

membership had voted to concur with an executive board motion to send them. The PRB's decision in that case states:

“He is wrong. The membership is the sovereign authority within a local union. It, not the president, is the ultimate arbiter at the local union level as to whether an expense is necessary. If a member, including the president, believes that the membership has acted unlawfully or improperly, his or her recourse is to an appeal.” (8 PRB at 367)

President Schultz could have appealed the membership's decision to the IEB, but the IEB would have had no Constitutional basis for overruling the membership. In *McKenzie v. International Union, UAW*, 8 PRB 108 (1993), the PRB held that the IEB may change its policy regarding what delegates a Local Union may send to Constitutional Conventions, but the policy must be stated. The PRB's holding in *Toth* that prior approval of expenses is not required by the Constitution was issued in 1982. Since that time, the IEB has not published any statement of a policy contrary to the ruling in *Toth*. In any event, Shultz did not appeal the membership's decision.

Instead of appealing pursuant to Article 33 of the Constitution, President Schultz sought a ruling on the propriety of Edwards' motion. This is clearly a procedural question which should have been decided by the membership at a membership meeting. Administrative Assistant Jones should never have entertained such a request because any response by the International was in and of itself a violation of Article 33, §2(b), which specifically states that there shall be no further appeal from rulings of a chair on matters of parliamentary procedure. In this case, there was no appeal to the membership from Shultz' decision to allow the motion, so there was no right to appeal the procedural question advanced by President Schultz.

Jones unilaterally overturned a decision of the Local 148 membership outside established appellate procedures. She allowed President Schultz to make an appeal that Article 33, §2(b), forbids. She did not give any interested party an opportunity to participate in her *ex parte* discussions with Schultz. There is no other way to characterize Jones' actions but as “undemocratic and political.” Therefore the IEB erred in dismissing appellant's Article 32 Complaint.

Appellant Al Edwards has presented allegations which, if proven, establish a violation of the International Constitution and/or conduct unbecoming a union member so that the IEB improperly disqualified his Article 31 charges under Article 31, §3(c). Edwards declared that Schultz's refusal to pay Joyce Sonnier and the alternate delegates amounted to a willful violation of Article 40, §1, of the Constitution, which was motivated by political differences and a malicious intent to injure the interests of Sonnier, Meadows, Lovell and Edwards. Therefore, the PRB should find that the three charges filed by Edwards satisfied the requirements of Article 31, §3, of the Constitution.

**B. International Union, UAW:**

Vice President Alonzo correctly ruled Sonnier's motion out of order at the membership meeting in April. The membership had already decided how to respond to the Constitutional Convention call letter at the meeting in March when they adopted the motion to send alternate delegates when required. In accordance with the motion adopted in March, the Local decided to send the elected delegates plus one alternate. Sonnier could have introduced a motion to rescind the earlier motion or to reconsider it, but she could not introduce a motion inconsistent with the earlier one.

If Sonnier disagreed with Alonzo's ruling at the April meeting, her recourse at that time was to challenge the chair. Instead, the delegates just decided to go to the Convention without first obtaining membership approval. This was improper. Even if the Local were to decide to send more than one alternate delegate to the Convention, the Local Union has to identify the order in which the alternates will serve. These three alternate delegates were not the three next in line to attend the Convention.

At the July meeting, President Schultz acknowledged some ambiguity in the March motion, and so he stated that he would allow the membership to revisit the issue. It was error, however, for him to allow Edwards to introduce a completely new motion with regard to the number of delegates to send to the Convention. The decision whether or not to send the alternate delegates had to be resolved prior to the Convention. The International Union has consistently rejected the legitimacy of such after-the-fact requests for reimbursement of expenses.

The International Union's policy that expenditures for lost time and expenses must be approved in advance is clearly stated on the UAW's Voucher form. Under the signature lines for the President and Recording Secretary, the Voucher states: "Payment must not be made on voucher unless PREVIOUSLY AUTHORIZED" (emphasis in original). This means that expenses for attending an event must be authorized before they are incurred.

The Constitution allows some expenses to be incurred without prior membership approval, but a member needs some kind of approval before incurring expenses on behalf of the Local Union. Under Article 38, §7, of the International Constitution, expenses may be authorized by a Local Executive Board without prior membership approval when absolutely necessary. The section states:

"The Executive Board shall be empowered to represent the Local Union between meetings of the Local Union when urgent business requires prompt and decisive action..."

The inference may be drawn that under ordinary circumstances prior membership approval is required for all expenses, or there would be no need for language specifically empowering the Local Executive Board to act in emergencies.

There are no hard and fast rules about when a delegate is performing a necessary service for the local union by attending a UAW function. As a practical matter, the phrase "necessary union business" has an ability to pay component. It is true that this Local used to send all of its alternate delegates to the Constitutional Convention. This used to be a wealthy local union with approximately 10,000 members, but these circumstances have changed. The Local's membership has decreased to approximately 3000 members, and it is having financial problems. As a consequence, the leadership has decided to change the past practice. That is why the motion was introduced at the March meeting to limit the number of alternate delegates attending the Convention to those required.

Under the long-established rule of *Comley v. Noble*, 1 PRB 347 (1965), a local official is not answerable to charges arising out of the discharge of his official responsibilities. This is exactly the case here, and the charges under Article 31 of the Constitution against President Schultz are clearly improper under Article 31, §3(c), of the UAW Constitution.

The allegation that the action of President Schultz in seeking advice from the superior body of the International Union on questionable financial payments, and the subsequent responses by Presidential Administrative Assistant Dottie Jones, somehow violate the UAW Ethical Practices Code or any provision of the UAW Constitution is completely without merit. Under Article 12, §3, of the Constitution, the International Union has the power to review and prevent financial malpractice by local unions. If the International Union determines that a requested payment is improper, the Local President should not authorize the payment. The member requesting payment can appeal under Article 33 if he or she disagrees with the International's position.

For these reasons, the International Union requests that the decision of the IEB be affirmed.

**C. Al Edwards' rebuttal, by his representative, Wilbert D. Sonnier:**

The membership's approval of appellant's motion on July 25, 2002, constituted an action of the Local Union within the meaning of Article 33, §1. President Schultz had thirty days to appeal this action to the IEB. He did not appeal.

Article 38, §7, has no applicability to this situation. This case does not involve expenses incurred by a local executive board in the absence of membership action; this case concerns what the membership can do under Article 46, §1. The International Union has not addressed this Board's ruling in *Toth* that prior approval of expenses is not required. The International Union has not adopted any policy requiring prior approval of expenses since that decision was issued. Therefore, appellant requests

that the PRB reaffirm its position that prior authorization was not required for the expenses incurred by Joyce Sonnier and three alternate delegates, and direct the Local to reimburse them in accordance with the membership's directive.

### DECISION

It was not a violation of the UAW Ethical Practices Codes or conduct unbecoming a union member for President Schultz to request advice on the propriety of paying the alternate delegates and Joyce Sonnier in accordance with the motion passed at the July membership meeting. It was not a violation of the UAW Ethical Practices Codes for Jones to reply to Schultz. Edwards' charges and his Ethical Practices Complaint are both based on his assertion that President Schultz' letter to President Gettelfinger of August 2, 2002, was not the appropriate Constitutional method for testing the propriety of making the payments. According to Edwards, Jones should have directed Schultz to appeal pursuant to Article 33 of the Constitution, rather than responding to the substance of his inquiry. Article 31 and the Ethical Practices Codes are not designed to challenge procedural errors. The appeal procedures described in Article 33 of the Constitution provide an adequate and appropriate means to present such arguments.

Edwards attempts to bring this procedural issue within the ambit of Article 31 and the Ethical Practices Codes by characterizing Shultz' and Jones' correspondence as political and undemocratic. We agree that Shultz' inquiry is not entirely candid. He did not accurately summarize the discussion that preceded the membership's vote on Edwards' motion. Schultz presented the issue as if he had challenged the motion, and his challenge had been overruled, when in fact, he had allowed the membership to vote on the motion based on his own conclusion that the original motion at the meeting in March was unclear. Yet, he argued that Edwards' motion was presented as an entirely new motion, rather than as a clarification. Nevertheless, Schultz made the request seeking reinforcement for his belief that the payments to Sonnier and the alternate delegates would be improper, rather than to harm Edwards. He sought that advice in his capacity as President of the Local Union; and therefore, under the rule of *Comley v. Noble*, 1 PRB 347 (1965), he is not answerable to charges under Article 31 of the Constitution.

There is no basis for imputing political motivations to Administrative Assistant Jones. She was simply doing her job answering what appeared to be routine correspondence on behalf of the International President. Edwards' Article 33 appeal on the procedural issue has been duly processed in accordance with the Constitution, and so he has not been denied equal application of Union rules in violation of the UAW Ethical Practices Codes.

We have generally supported the principle that it is up to the membership of a local union to determine whether an expenditure is "necessary" within the meaning of Article 46, §1, of the Constitution. *Mertz v. Local Union 2256*, PRB Case 1297 (2001). Although the *Mertz* decision liberally construed the scope of the membership's discretion in this regard, we did recognize in that decision the possibility of an abuse of

discretion. In our discussion of the Local's decision to sponsor a racing car, we recognized that the Local could not authorize a gift to one of its members that did not also benefit the local union as an organization in some way.

We conclude here that the membership's approval of the payment to Joyce Sonnier to reimburse her for the \$258.00 that she paid for the balance due on the room that Angel Best-Brown shared with her husband at the Convention would fall into the category of a gift, and that the membership's approval of this expense therefore exceeded its discretion under Article 46, §1, of the Constitution. The Local Union had provided a room for Best-Brown to use while attending the Convention and she chose not to use it. The decision by Best-Brown to make a different arrangement was a personal matter unrelated to the Union's business. It follows that Sonnier was not entitled to be reimbursed by the Local Union for the money she paid on Best-Brown's behalf to cover the added expense of the arrangement.

On the other hand, expenses incurred by elected delegates in connection with their participation in the Constitutional Convention plainly are the type of expenses that may be authorized by the membership under Article 46, §1. There is no dispute that this Local had in the past sent all of its elected delegates to the convention. Stokes-Wilson acknowledged during oral argument that the motion introduced at the March meeting to send the alternate delegates only "when required" represented a change in policy, a change that may have been dictated by the Local Union's altered financial circumstances. She insisted that any challenge to the new policy had to be resolved prior to the convention.

It is possible that the appellants' decision to attend the Convention and then afterwards to submit expenses for approval was an effort to circumvent the new austerity policy adopted by the Local Union's Executive Board in response to the Local's changed economic circumstances. At the same time, while the Local Executive Board's newly adopted policy appears to have had a legitimate economic basis, it may also have had a definite political component. The alternate delegates perceived the Local Executive Board's decision not to send them to the Convention as a political power play.

Of central importance, the minutes of the July membership meeting reveal that the decision whether to send the alternate delegates to the Convention had not been resolved in March. Joyce Sonnier tried to resolve the question in favor of sending the alternate delegates at the April meeting, but the Vice President would not allow the motion. The question is whether the alternate delegates' attendance was permissibly authorized after-the-fact under the International Constitution.

The International Union maintains that it has a long-standing policy that members cannot receive reimbursement for expenses incurred attending a UAW function unless they receive approval of the expenses in advance of the function. Yet, it could not point to any express statement of this policy, either in the Constitution, the local union bylaws, or in any written directive such as an Administrative Letter sent to all the local unions. During oral argument, Stokes-Wilson introduced a form used by UAW local unions for

making requests for reimbursement of time lost from work while on union business and other expenses. This form, called a "Sample Voucher," does state prominently that payment on the voucher must not be made "unless previously authorized." Stokes-Wilson asserted in support of the International Union's position that this statement means that there must be approval prior to the expenses being incurred, and that since members are familiar with the voucher form, they are aware of the rule. While this is a plausible interpretation of the words "unless previously authorized," it is not the only reasonable interpretation. The quoted language could also simply mean that the authorization must occur prior to the payment, so that the authorization could take place after the event where the expenses were incurred.

On the other hand, our decision in *Toth*, cited by the appellant, states unequivocally that the Constitution does not require prior approval of expenses. The International Union did not respond to that decision with any public statement of a contrary policy. The sentence on the voucher form appears to be the sole written statement of the policy upon which the International Union relies. That this sentence can so easily be interpreted in two different ways that produce diametrically opposed outcomes indicates the need for action if the International Union wishes to enforce a rule that there must be approval in advance of the event the member is to attend. We have had several occasions to recommend to the International that it adopt clear guidelines regarding the expenditure of local union funds.<sup>28</sup> The simple act of re-drafting the sentence on the voucher form to state unambiguously the intent of the International Union and the issuance of a directive drawing the attention of local unions to the meaning of the policy would bring needed clarity to a financial policy affecting many members. It would also have the salutary effect of constraining behaviors that some might view as an attempt by members to circumvent the policy.

In light of the International Union's failure to make an unequivocal public statement of its policy not to permit authorization of expenses after they are incurred, our holding in *Toth* dictates that the appellant Edwards and the two other alternate delegates should be paid. The decision of the IEB dismissing Edwards' Ethical Practices Complaint and Article 31 charges is affirmed. The decision of the IEB with respect to the denial of the payment requested by Joyce Sonnier is affirmed. However, we hereby direct Local Union 148 to honor the membership's motion passed during the meeting on July 25, 2002, to reimburse the three alternate delegates for expenses incurred attending the 33rd Constitutional Convention.

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<sup>28</sup> In the matter of *Al Alli v. International Union, UAW*, 4 PRB 222, (1984), we recommended that the Union formulate guidelines to cover the following three areas: 1) what is required for proper authorization and reporting; 2) basic principles to be applied in determining whether an expense is necessary; and 3) prohibited financial practices. (4 PRB at 228)