

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

APPEAL OF:

ROXANNE M. COYNE, Member  
UAW LOCAL UNION 12  
(Toledo, Ohio),  
Appellant,

-vs-

CASE NO. 1488

REGION 2B  
(THE UNITED AUTOMOBILE, AEROSPACE  
AND AGRICULTURAL IMPLEMENT  
WORKERS OF AMERICA),  
Appellee.

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**DECISION**

(Issued September 2, 2005)

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

Roxanne Coyne argues that International Representative Twiss' decision to withdraw a grievance protesting her discharge by Jeep Corporation lacked a rational basis.

**FACTS**

Roxanne Coyne worked at DaimlerChrysler's Toledo Jeep Assembly Plant with a seniority date of September 26, 2000. On July 25, 2001, Coyne complained to Labor Relations about an incident that had occurred on July 21 when her co-worker, Roger Drain came behind her and gestured with a steak knife and stated, "Just like in the movie *Psycho*, but he had a bigger knife."<sup>1</sup> When Labor Relations Representative Todd Taylor interviewed Drain about the incident, Drain stated that it was only a joke. Drain was issued a three day disciplinary layoff for inappropriate conduct as a result of this incident.<sup>2</sup>

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<sup>1</sup> Record, pp. 4-5.

<sup>2</sup> Record, p. 34.

On August 24, 2001, Labor Relations Representative Todd Taylor reported on an investigation he conducted into continuing clashes between Coyne and Drain as well as another employee, Delilah Baldonado. Taylor stated that Advisor John Salwicz informed him on August 23 that Coyne and Baldonado were "at it again."<sup>3</sup> Salwicz further advised Taylor that Coyne had requested the assistance of Labor Relations to deal with the problems that she was having in her department.

Taylor wrote that during an interview on August 23, Baldonado told him that at the end of her shift on August 21 Coyne came into her area waving a hose and yelling. Taylor wrote:

"...I asked Baldonado what happened last night and Baldonado stated they were running out of exhaust pipes on the line over from her, and 'Johnny' was upset. Baldonado grinned at Johnny and pointed to the emergency pipes. Baldonado turned around and Coyne was in Baldonado's face waving a hose. I asked Baldonado what Coyne said. Baldonado stated Coyne said, 'Fuck you, laugh all you want you fucking fat bitch.'..."<sup>4</sup>

Baldonado went on to explain that Coyne was angry with her because she refused to complain to Labor Relations about a previous incident involving Drain. Baldonado stated that Coyne wanted to get Drain fired, because she did not like him.

Taylor also interviewed Coyne and gave the following description of her account of the incident on August 21:

"...Coyne was putting on the hoses and forgot to lubricate one of them. Coyne missed an engine and proceeded over into the next workstation, which was Baldonado's, to put the hose on. Baldonado began smirking at Coyne, apparently because Coyne was having difficulty placing on the non-lubricated hose. Coyne went up to Baldonado and said, 'Laugh all you want you fat ass bitch, I have had it with you fat ass bitch.'"<sup>5</sup>

Taylor reported that when he asked Coyne why she had said this to Baldonado, she replied:

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<sup>3</sup> Record, p. 15.

<sup>4</sup> Record, p. 15.

<sup>5</sup> Record, p. 16.

“She is lucky I didn’t punch her in the face, I was real close but I stopped myself and left.”<sup>6</sup>

After these interviews, Advisor Salwicz reported to Taylor that Coyne continued to make threatening remarks directly to him about Baldonado, and so Taylor asked Coyne to return to Labor Relations and explain her remarks. Taylor stated that Coyne described another altercation with Baldonado concerning the position of a fan. Taylor wrote:

“I asked Coyne again about the statements made to Salwicz. Coyne said that Salwicz asked if Coyne wanted Labor, and Coyne said what good would that do, they don’t do anything, nothing has happened from last night’s meeting, they are still doing it. Coyne then said to Salwicz, ‘I am getting to the point where I am going to knock someone on their ass.’”<sup>7</sup>

At this point Taylor stated that he suggested to Coyne that she should consult the second shift EAP Representative. Taylor described Coyne’s reaction as follows:

“...Coyne became insulted and indignant and stated she did not need any anger management. Coyne then began yelling and asked what about ‘them,’ how come nothing was happening to ‘them.’ Coyne then referenced her logbook and stated she had everything written down of what had been going on, and asked why it was not being addressed. Coyne then turned to Steward Bob Morrissey and began shouting and waving her finger. Coyne yelled at Morrissey, saying Morrissey would not do anything last night and refused to meet with Coyne. Coyne had risen out of her chair at this point, and was emotionally distraught, venting quite a lot of anger at Morrissey.”<sup>8</sup>

Taylor reported that he suspended Coyne and had her escorted from the building. The suspension was converted to a discharge on August 29.<sup>9</sup>

Local Union 12 filed Grievance No. 9813 protesting Coyne’s discharge on September 5, 2001. Management denied Coyne’s grievance on October 9, stating that she had made threatening comments to Delilah Baldonado on more than one occasion. Management stated that Coyne did not deny having made the comments, and in fact,

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<sup>6</sup> Record, p. 16.

<sup>7</sup> Record, p. 17.

<sup>8</sup> Record, p. 17.

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

repeated them to Advisor John Salwicz and Labor Relations Representative Todd Taylor. Management commented that Coyne did not appear emotionally stable.<sup>10</sup>

On February 2, 2002, Coyne contacted EAP Representative Lee Herbert about enrolling in anger management classes. In a statement regarding his involvement with Coyne's case, Herbert explained that the Company has an agreement with the Local to consider the reinstatement of employees who have been discharged for behavioral problems where the employee seeks appropriate treatment. Herbert stated that he referred Coyne to the Northwest Family Center, but she could not afford to pay for the therapy. He reported that Coyne eventually did begin treatment at the Harbor Behavioral Healthcare Clinic in March and attended two sessions. Herbert noted that the anger management process generally requires more than two sessions.<sup>11</sup>

In December 2002, Coyne attended a Union membership meeting to ask the membership for assistance in getting her job back. At the hearing conducted by the Presidential Administrative Assistant Eunice Stokes-Wilson in response to Coyne's appeal to the International Executive Board (IEB), Local 12 Chairperson Vuich testified that he told Coyne from the podium that if she would attend anger management classes, the Local could get her job back. When Coyne responded that she could not afford the classes, Vuich told her that he would pay for them.<sup>12</sup> On March 7, 2003, John Small of the Harbor Behavioral Healthcare Clinic wrote to EAP Director Lee Herbert that Coyne had been keeping her appointments and working on making adjustments to her behavior so that she could return to work at Jeep. Small wrote:

"The focus of the counseling has been for the client to express her feelings about issues, think and discuss factors about assertiveness and self responsibility. She was able to come up with a plan on handling conflict in the future (enclosed). As a result of these facts, I think she should be able to return to work at Jeep at this point."<sup>13</sup>

On May 8, 2003, International Representative Dan Twiss wrote to DaimlerChrysler Union Relations Supervisor Jean Hathaway and asked her to reinstate Coyne's grievance. On May 12, 2003, Coyne and Chairperson Vuich met with Supervisor Hathaway to discuss the possibility of Coyne's reinstatement. Hathaway described her impression of Coyne's behavior at the meeting as follows:

"From the start of the meeting it was apparent to this writer that Coyne's attitude had not changed. I asked Coyne how her anger management sessions were going and she rolled

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<sup>10</sup> Record, p. 20

<sup>11</sup> Record, p. 39.

<sup>12</sup> Record, p. 101.

<sup>13</sup> Record, p. 43.

her eyes and said they were a joke, but she was doing all right. She stated she had been to 5 or 6 sessions with John Small at Harbor but was very negative about attending. Instead of getting over her past problems and resolving her anger issues, she spent at least 10 minutes rehashing the incident with Roger Drain and the *Psycho* parody, jealousy by co-workers because Advisor John Salwicz felt she was a good employee, and a derogatory remark by a labor relations representative."<sup>14</sup>

Hathaway concluded that Coyne was not a good candidate for reinstatement.

Coyne's grievance was appealed to the 4<sup>th</sup> step on June 18, 2003. On August 8, Chairperson Vuich wrote the following to Coyne regarding the status of her grievance:

"I committed to help you with your therapy. I also arranged a meeting with Labor Relations that could have resulted in your reinstatement to this workforce. As has been in the past, you ignored the recommendations given to you by Lee Herbert and myself as to how to answer questions in the meeting with Labor Relations. In that meeting you stated that Anger Management was a waste of time. Due to that statement, Labor Relations denied my request to reinstate you; hence, your grievance remains at the 4<sup>th</sup> Level of the Grievance Procedure."<sup>15</sup>

International Representative Twiss settled Coyne's grievance on September 24, 2003, and notified her of his decision on December 15. Coyne appealed the settlement of her grievance to the International Executive Board (IEB) on December 19, 2003.<sup>16</sup>

In support of her appeal, Coyne stated that Representative Morrissey advised her to let him do most of the talking at the meeting with Supervisor Hathaway and to confine her answers to yes and no. She said that this was impossible however, because Morrissey did not do any talking and the questions she was asked were not yes or no questions.<sup>17</sup> Coyne pointed out that the contract with the Company provides five steps of discipline before discharge, but that the steps were not followed in her case. She stated:

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<sup>14</sup> Record, p. 45.

<sup>15</sup> Record, p. 48.

<sup>16</sup> When Coyne filed her appeal with the Region, she was advised to address her appeal to the International Union. She did so on January 30, 2004. The IEB originally concluded that the appeal was untimely. On September 1, President Gettelfinger's Administrative Assistant Eunice Stokes-Wilson requested that the appeal be remanded so that a hearing could be conducted on the merits. The appeal was remanded to the IEB on September 16, 2004. (Record, pp. 88-89)

<sup>17</sup> Record, p. 53.

“In the August 12, 1997, through September 14, 2002, Agreement Booklet, under which this whole ordeal had taken place, there was a procedure violated. The ‘Disciplinary Procedure’ which states there are five steps to it. Why weren’t those steps followed in my case? I am accused of being a liability; however you have a man take a knife at me and make verbal threats to me, admits to his actions and you believe his reasons of ‘it was a practical joke,’ but he keeps his job. I admit to my actions and I am fired. ...”<sup>18</sup>

Coyne concluded that the Union representatives were only interested in protecting male employees with high seniority as opposed to females with low seniority.

On October 22, 2004, Presidential Administrative Assistant Eunice Stokes-Wilson conducted a hearing on Coyne’s appeal. Stokes-Wilson prepared a report for the IEB on behalf of President Gettelfinger based on testimony given at the hearing and information provided by Coyne, Representatives of the Region, and of Local Union 12. Stokes-Wilson stated that Coyne’s behavior at the hearing confirmed that the anger management treatment she had received had not accomplished the desired result.<sup>19</sup> Stokes-Wilson reported that during the hearing, Coyne not only acknowledged having made the threatening statements attributed to her, she stated that she was capable of following through because of her martial arts training.<sup>20</sup>

Stokes-Wilson pointed out that the Local and International Representatives had used their best efforts to assist Coyne in getting her job back. The Local Union Representatives stated that Coyne had an excellent chance of being reinstated after she completed her anger management therapy, but instead of following their advice, she once again spoke of her old grievances and anger towards her former co-workers.<sup>21</sup> Stokes-Wilson found no evidence of discrimination in the handling of Coyne’s grievance. She concluded that International Representative Twiss’ decision to withdraw the grievance was rational. Stokes-Wilson denied Coyne’s appeal and the IEB adopted her report as its decision. The IEB issued its decision on February 1, 2005. Coyne has now appealed to the Public Review Board (PRB).

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<sup>18</sup> Record, p. 68.

<sup>19</sup> Record, p. 106.

<sup>20</sup> Record, p. 106.

<sup>21</sup> Record, pp. 106-107.

## ARGUMENT

### **A. Roxanne Coyne:**

The Union is protecting the wrong people. In addition to attacking me with a knife, Roger Drain assaulted Delilah Baldonado with a power tool which got caught in her hair. Bob Morrissey defended Drain by saying that Baldonado has full hair. Full hair or not, Drain had no right putting the power tool up to her neck and turning it on. As for the incident with the hose, I did not go into Baldonado's station or wave a hose in her face.

I have receipts proving that I did start going to anger management classes, but I did not have the money to finish. I had to worry about my medication, transportation for work, and food before any classes. Supervisor Hathaway stated that I rehashed the incident with Roger Drain at the meeting on May 12. She asked me about the incident. What was I supposed to say? No? If I had, she would have said that I was being defiant and uncooperative. If Drain had come towards a man with a knife, he would have been picking himself up off the floor. Who would have been fired then? Most likely no one.

I made the comment about the anger management classes being a joke because I had been doing all of the things we discussed in the classes, but it did not help. It is human nature to become angry when things go wrong, when your employer takes away your benefits, taxes go up, when your children and spouse do not listen to you, and we are over in Iraq fighting a war we have no business fighting. The incident for which I was fired only involved angry words; there was no violence.

As for Supervisor Hathaway wanting to hear me say that I wanted my job back, I would have thought my being there at the hearing would have been enough. After all, why would I have been doing all of this? As I have said before, the only thing I am guilty of is using the wrong vocabulary in responding to three people who ganged up on me because they do not like me for whatever reason.

### **B. International Union:**

The Local Union Representatives did everything possible to help Coyne. The Local Chairperson paid for her anger management classes out of his own pocket. The EAP Representative drove her to her sessions occasionally and helped her draft a plan of anger management to present to Management to support her request for reinstatement. After the International Representative asked for Coyne's grievance to be reinstated, the Local Chairperson set up a meeting with Management to discuss her return to work. Prior to this meeting, Chairperson Vuich met with Coyne to prepare her for the meeting so that she could make a favorable impression. Unfortunately, appellant's performance at the meeting with Supervisor Hathaway convinced Management that she should not be reinstated. Even after that fateful meeting, the International Representative tried to convince the Company to take Coyne back, but the

Company refused to consider it. Ultimately, Representative Twiss had to withdraw the grievance.

Coyne has not provided any proof that the withdrawal of her grievance was motivated by fraud, discrimination or collusion with management or that it was devoid of any rational basis. The Union did not discriminate against appellant. It made a rational decision that her grievance could not be won at arbitration.

### DISCUSSION

Our jurisdiction over appeals related to the handling of grievances is limited to claims that the matter was improperly handled because of fraud, discrimination or collusion with management, or that the disposition or handling of the matter was devoid of any rational basis.<sup>22</sup> Coyne argues that she did nothing violent, that she only expressed herself verbally and that a man would have been treated less harshly under similar circumstances. The record shows, however, that Management investigated the altercations involving Coyne, Baldonado and Drain, and that during this investigation Coyne behaved erratically and repeated threats against these two co-workers.

Coyne argues that Drain's gesture with the knife was more violent than her threats and yet he was given only a three-day suspension. Representative Taylor's investigation into the incident between Coyne and Drain on July 21 convinced him that Drain's behavior, however inappropriate it might have been, was not an act of violence. On the other hand, when Coyne was interviewed by Taylor concerning her argument with Baldonado, she displayed her anger openly, not only towards Baldonado but also towards the Union Representative and Taylor himself for having suggested that she seek anger management. Under these circumstances, the Union was not in a position to charge the Company with discrimination.

The Company's Workplace Violence Prevention Memorandum dated October 3, 1997, states a policy of zero tolerance towards violent conduct, including verbal threats. The policy allows the Company to assess disciplinary action up to and including dismissal for acts of violence.<sup>23</sup> Coyne's behavior in front of the Labor Relations Representative subjected her to discharge under this policy. Nevertheless, it seems probable that Coyne would have been reinstated had her anger management therapy been successful. However, when she could still not control her anger during the grievance meeting on May 12, 2001, the Union had no contractual basis for insisting on her reinstatement. Therefore, Representative Twiss' decision to withdraw her grievance at this point was not lacking a rational basis.

The decision of the IEB is affirmed.

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<sup>22</sup> UAW International Constitution, Article 33, §4(i).

<sup>23</sup> Record, p. 1.