

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

APPEAL OF:

CECIL D. ADDISON, Member,
UAW LOCAL UNION 2069
(Dublin, Virginia),
Appellant

-vs-

CASE NO. 1500

INTERNATIONAL EXECUTIVE BOARD, UAW
(THE UNITED AUTOMOBILE, AEROSPACE
AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA),
Appellee.

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.

At issue in this appeal is whether Cecil D. Addison has perfected a timely appeal to the International Executive Board from his challenge to the settlement of a policy grievance negotiated by International Representative Willard Beck.

FACTS

Cecil Addison works as a Document Specialist II for Volvo Trucks North America at its New River Valley Plant in Dublin, Virginia, with a seniority date of June 10, 1999. On December 11, 2000, Addison exercised his seniority to bump into the Manufacturing Technician classification. He was laid off from the position on December 22, 2000.¹

UAW Local 2069 filed grievance NRS-01-001 protesting Addison's layoff on January 2, 2001. The grievance charges that Management laid off Addison without giving him sufficient time and training to allow him to learn the requirements of his new job.² Although the grievance was written in response to the Company's decision to lay

¹ Record, p. 4.

² Record, p. 5.

off Cecil Addison for his inability to perform the job he had bumped into, Grievance NRS-01-001 was a policy grievance written on behalf of the Unit.³ The issue presented by the policy grievance was whether the Company should be required to provide training to an employee who has bumped into another classification on the basis of seniority.⁴

Grievance NRS-01-001 was referred to International Representative Willard Beck of the UAW Heavy Truck Department. On June 20, 2003, Beck accepted a Company proposal to settle the grievance.⁵ According to Addison, the grievance settlement was reported to the Bargaining Unit membership at a meeting on June 20, 2003. Addison reports that he expressed his disagreement with the settlement during that meeting and that the Bargaining Unit Chairperson, Chuck Vance, supported his desire to appeal. Addison stated:

“...Chuck Vance’s response to my concerns, which was made before the body of the bargaining unit, was that he definitely planned to and would be appealing grievance NRS-01-001.”⁶

In a letter dated November 7, 2003, Chairperson Vance confirmed that he had initially told Addison that he intended to appeal the settlement of Grievance NRS-01-001, but that he subsequently changed his mind. Vance wrote:

“The New River Plant shuts down for a two-week period, which was after the notice. Mr. Addison was also out for six weeks from August 1 until September. Mr. Addison was also under the understanding that I would appeal the settlement based on a personal event that I had experienced before my election to the Salary Chair position. I did discuss the issue with Willard Beck and the information was not available when Mr. Beck agreed to the new language.

I set aside my personal issue and felt like the settlement was a positive event for the Salary Bargaining Unit. The grievance is to protect the (SBU) and not to address my personal experience. I did not inform Mr. Addison of my position and therefore the 45-day limit expired.”⁷

³ Record, pp. 10-11, 68.

⁴ Record, p. 15.

⁵ Record, pp. 20, 22, 69.

⁶ Record, p. 23.

⁷ Record, pp. 27-28.

Addison appealed the settlement of Grievance NRS-01-001 to the International Executive Board (IEB) on October 20, 2003.⁸ On June 3, 2004, Presidential Administrative Assistant Eunice Stokes-Wilson advised Addison that his appeal could not be considered because it had not been filed within the time limits set forth in the Constitution.⁹ Stokes-Wilson reported that the grievance settlement had been discussed at a Salary Union meeting on June 10, 2003. She stated that Addison had 30 days from that meeting to appeal the settlement in accordance with the International Constitution. Addison appealed Stokes-Wilson's ruling to the IEB on June 30, 2004.¹⁰

The President's staff determined that a hearing was unnecessary on Addison's appeal and prepared a report for the IEB based on information provided by the appellant and the Local Union. Staff acknowledged that Chairperson Vance had assured the Unit membership that he intended to appeal the settlement of Grievance NRS-01-001, but they maintained that Addison could have appealed the grievance settlement himself.¹¹ Furthermore, staff concluded that even if Addison had not learned of Vance's decision until his return to work on September 12, 2003, his appeal on October 20, 2003, was still untimely under Article 33, §4(c), of the International Constitution.¹² Staff ruled that Addison had not identified circumstances to warrant a waiver of the time limits.¹³ Staff denied Addison's appeal and its report was adopted by the IEB as its decision. The IEB issued its decision on October 12, 2004. Addison has appealed that decision to this Board.

ARGUMENT

A. Cecil D. Addison:

The grievance settlement was presented to the Bargaining Unit on June 20, 2003. Chairperson Vance stated that he definitely planned to appeal the settlement. The Union is bound by the representations made to the membership by Chairperson Vance.

My leave from August 1 to September 12 is not relevant to the timeliness issue. The settlement of the grievance was accepted on June 20, 2003, at which time Chairperson Vance promised to appeal. He had thirty days in which to do so. I was still on the job when this thirty day period expired on July 20, 2003. Vance could have communicated his decision not to appeal to me during this time, but he did not.

⁸ Record, p. 23.

⁹ Record, p. 30.

¹⁰ Record, pp. 31-32, 33.

¹¹ Record, p. 41.

¹² Record, p. 41.

¹³ Record, p. 42.

B. International Union:

The terms of the settlement offer were communicated to the Unit on June 10, 2003. These terms were accepted by Representative Beck on June 20, 2003. Chairperson Vance advised the Unit that he did not intend to appeal the settlement at its August meeting. Assuming that Addison was initially unaware of Chairperson Vance's decision not to appeal the grievance, he learned of that decision upon his return to work on September 12, 2003. He did not appeal until October 20, which was still beyond the thirty day time limit set forth in the Constitution.

C. Rebuttal by Cecil D. Addison:

Chairperson Vance has always acknowledged that he did not inform me or anybody else of his intentions not to appeal the grievance. Vance's decision not to appeal the grievance was never communicated to the Unit--not in August or ever. To prove this I reviewed the minutes of the August 2003 Bargaining Unit meeting, in the presence of the Recording Secretary of Local 2069. Nowhere within the August 2003 minutes of the Local 2069 Bargaining Unit meeting is it stated that Vance intended not to appeal grievance NRS-01-001.

DISCUSSION

Article 33, §4(b), of the Constitution states that the time limits specified in §4(c), begin to run from the time the appellant first became aware or reasonably should have become aware of the decision being appealed. The International Union maintains that the terms of the settlement were communicated to the Unit on June 10, 2003, and that the Constitutional time limits began to run on that date. There is no record of the June 10, 2003, communication in this record. In any event, it is clear that the terms of the settlement that Addison wishes to challenge were not actually accepted by Representative Beck until June 20. The Constitutional time limits cannot have begun to run before that date.

Addison did learn of the settlement during the Unit meeting on June 20, 2003, but he was also informed that the Unit Chairperson intended to appeal the settlement. Because this was a policy grievance on behalf of the entire Unit, it was appropriate for Vance, as Unit Chairperson, to take responsibility for pursuing an appeal. There was no reason for Addison to doubt Chairperson Vance's intentions or to file a separate appeal. Accordingly, Addison reasonably assumed that the appeal process started shortly after the June 20, 2003, Unit meeting.

We agree with appellant that his return from leave on September 12, 2003, has no bearing on the timeliness of his appeal. Simply returning to work would not have put Addison on notice that no appeal of the settlement was in progress. There is nothing in the record to refute appellant's assertion that he filed his appeal as soon as he learned that Chairperson Vance had not appealed. We find, therefore, that appellant Addison has perfected a timely appeal of the settlement of Grievance NRS-01-001.

The case is remanded to the IEB for appropriate action.