

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

APPEAL OF:

DEBORAH A. TORRES,  
Appellant

-vs-

CASE NO. 1470

UAW LOCAL UNION 594  
(Pontiac, Michigan),  
REGION 1  
(THE UNITED AUTOMOBILE, AEROSPACE  
AND AGRICULTURAL IMPLEMENT  
WORKERS OF AMERICA),  
Appellee.

---

**DECISION**

(Issued May 25, 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  
Weiler.

Deborah Torres challenges the Local Union's decision to settle her grievance protesting Management's alleged failure to provide a non-hostile work environment and to withdraw her grievance charging that Management failed to record overtime hours properly in her department.

**FACTS**

Deborah Torres works in the body shop at General Motors' Truck and Bus Plant in Pontiac, Michigan, in the gun welder classification. She has a General Motors seniority date of April 15, 1977. Torres was assigned to the conveyor job on the third shift until that shift was eliminated on February 9, 2001. At that time, Torres moved to the second shift.

The conveyor job requires two employees. At the time that Torres moved to the second shift, one of the employees assigned to the conveyor job was about to retire, so Torres asked the Supervisor, Mike Van Doran, if she could have the conveyor job when the position became open. When Van Doran refused to give Torres the requested

assignment despite her high seniority, Torres complained to her Committeeperson.<sup>1</sup> She also called a 1-800-HOTLINE number to make a complaint about the situation.

The other employee on the conveyor job on the second shift was Debby Conquest. On February 19, the Superintendent of the body shop, Craig Hill, removed Conquest from the conveyor job and placed her on a newly created job described as "suggestions coordinator."<sup>2</sup> On February 20, Torres once again asked Supervisor Van Doran if she could have the conveyor job. This time, according to Torres, Van Doran responded, "I'm not giving a fucking nigger-loving bitch like you that job!"<sup>3</sup>

Later that day, Torres was asked to report to Labor Relations in response to the call she had placed to the HOTLINE. Torres met with Labor Relations Representative Linda Kelly-Going and Local 594 Committeeperson Skip Presson. When questioned about her call to the HOTLINE, Torres responded that she felt that she was entitled to the conveyor job by seniority and that she deserved to be treated with respect by Supervisors Van Doran and Hill. According to Torres, Representative Kelly-Going agreed and stated that they would get the situation straightened out.<sup>4</sup> Representative Kelly-Going later told the Local Civil Rights Chairperson, David Sanchez, that Torres did not mention any racial comments by Van Doran during their meeting on February 20.<sup>5</sup>

Immediately after Torres' meeting with Representative Kelly-Going, Supervisor Van Doran was called to Labor Relations. Torres reported that when he returned to the department, he looked angry and he stared at her all night. The next day, Van Doran

---

<sup>1</sup> According to a report prepared by the UAW Local 594 Civil Rights Chairperson, David Sanchez, Torres had the second highest seniority in the gun welder classification. Yet, when the conveyor position became open, Van Doran placed another employee on the conveyor job rather than offering it to Torres. Sanchez reported:

"Van Doran responds that he wasn't going to let the 3<sup>rd</sup> shift people come in and take the good jobs from his 2<sup>nd</sup> shift people just because they've got seniority. He then told Ms. Torres to report to the MIG job. She felt this wasn't right and called for the committeeman." (Record, p. 9)

<sup>2</sup> Record, p. 16

<sup>3</sup> Civil Rights Chairperson Sanchez quotes this remark as having been reported to him by Torres in his investigation into her claim that Management failed to provide a non-hostile and non-discriminatory work environment. Sanchez explained that this was a reference to Torres' boyfriend who is African-American (Record, pp. 9-11)

<sup>4</sup> Sanchez describes the conversation Torres reported to him as follows:

"Linda asks Ms. Torres about her placing a call to the HOTLINE, and what would [it] take to straighten out this situation? Ms. Torres responded that by seniority she should have the right to be placed on the conveyor job when it opens, but Van Doran said, No Way. Ms. Torres says that she comes to work every day and is a good worker and deserves to be treated with respect from Van Doran and Craig Hill, for that matter!! Labor agreed and said they would get the situation straightened out." (Record, p. 10)

<sup>5</sup> Record, p. 21.

did not report to work and, according to Torres, “rumors were flying” that Torres had gotten Van Doran fired.<sup>6</sup>

On February 26, Torres was still on the MIG job where she had been placed by Van Doran. At the beginning of her shift on February 26, Torres was notified that she had a telephone call. When she answered, the caller stated, “You’re gonna get it bitch.”<sup>7</sup> Torres reported the incident to her Foreman, and Representative Kelly-Going from Labor Relations came out to take a report. Subsequently, at 7:20 pm, Supervisor Earl Redd told Torres to go to the conveyor job.<sup>8</sup>

On February 27, Labor Relations representatives conducted meetings with the employees in each department on the second shift in the Body Shop. During these meetings, the Company’s representatives informed the employees about the telephone call that Torres had received the previous day and discussed generally the Company’s policy against actions that would create a hostile environment for any worker. The employees were also informed that Mike Van Doran had been “let go” but that this had nothing to do with Torres.<sup>9</sup>

The Company installed caller ID on the telephone in Torres’ department on March 8, 2001. Torres received two more abusive calls on the telephone in her department and she wrote down the time and dates of the calls.<sup>10</sup>

---

<sup>6</sup> Sanchez’s report states:

“Ms. Torres said that then Van Doran was called to Labor Relations after she spoke to them and when he returned back to the dept. he looked mad and he stood by her all night and stared at her. The next day Van Doran didn’t report to work and the rumors were flying that Ms. Torres had gotten Van Doran fired.” (Record, p. 10)

<sup>7</sup> Sanchez describes the incident as follows:

“On 02/26/01 at the beginning of the shift (approx. 5:00-5:15), Ms. Torres was still on the MIG job when she was notified that she had a phone call. She answered it and [on] the other end in a disguised voice they said, “You’re gonna get it bitch.” Shocked and scared, Deb told electrician Rus what just happened and he radios the foreman (Verlin-acting foreman, replacing Van Doran).”

<sup>8</sup> Sanchez states that he later learned that Van Doran had been told to put Torres on the conveyor job, and that Representative Kelly-Going only discovered that he had not done so when she went to take the report about the telephone incident. (Record, pp. 9-10)

<sup>9</sup> Sanchez described these meetings as follows:

“On 02/27/01 Labor Relations Linda Kelly-Going and Mike Southwell hold meetings for each dept in [the] body shop on [the] 2<sup>nd</sup> shift, at each meeting is the committeeman Skip Presson. These meetings were to address the situation of the phone calls and to explain that Mike Van Doran had been ‘let go’ but it was not because of Ms. Torres and then they also covered Hostile Worker Environment Policy. (I was not present at these meeting—feel I should have been).” (Record, p. 10)

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

Torres contacted the Local Union's Civil Rights Chairperson, David Sanchez, concerning the problems she was having in her department on April 23, 2001, and he began to investigate her complaints by interviewing some of the people involved. On June 6, Torres advised Sanchez that she had started receiving the threatening telephone calls again. Sanchez reported that Torres complained that Management was not taking the telephone calls seriously and that Representative Kelly-Going had not addressed the other problems she was having in her department.<sup>11</sup> Sanchez stated that he arranged a meeting for Torres with Mike Southwell of Management Labor Relations on June 12 to discuss her concerns. During this meeting, according to Sanchez, Southwell asked Torres what she wanted the Company to do. Torres responded that she wanted someone to investigate this situation and then to correct it instead of sweeping it under the rug. Southwell suggested that a third party come in to conduct an investigation. Sanchez reported that Torres agreed to this.<sup>12</sup>

On June 18, Cheryl Brown of the S. J. Bashen Corporation came to the plant to interview Torres. David Sanchez was also present during this interview. He reported that Torres expressed the view that Superintendent Hill was mainly responsible for the harassment and discrimination that she was experiencing in the body shop. Sanchez reported:

"Ms. Torres feels that the superintendent, Craig Hill, was aware of the situation she was in and did nothing to correct it. In fact, Ms. Torres feels that Craig Hill is the one who is behind the harassment and discrimination that is aimed at her.

The superintendent should be aware of the things that are happening in his area and should be held responsible to correct any disparate treatment and help to provide an environment that is non-hostile and non-discriminatory in nature rather than to condone or even perpetuate what is going on, which is how Ms. Torres feels about what is happening."<sup>13</sup>

During the interview with Cheryl Brown, Torres raised the issue of favoritism shown toward Debby Conquest by Superintendent Hill. She stated that the selection of Conquest for the newly created suggestions coordinator job reeked of favoritism, since this type of job had historically been filled by employees on workers' compensation. Sanchez gave the following description of what Torres told Brown:

---

<sup>11</sup> Record, p. 12.

<sup>12</sup> Record, p. 14.

<sup>13</sup> Record, p. 15.

“It was like a slap in her face when Ms. Conquest was selected over everyone else in the dept. to do that job and then they still refused to place Ms. Torres on the conveyor job after it was open. Craig Hill was aware of this situation and cannot plead his ignorance nor that he didn’t know about it either. He was intentionally creating a hostile work environment by doing this even though he hides under the thin veil of paragraph (8) that management has the right to job assignment.”<sup>14</sup>

At the conclusion of the meeting, Cheryl Brown told Torres that she would receive a copy of the S. J. Bashen Corporation’s report.

Chairperson Sanchez noted that he was allowed to be present during Torres’ interview, but he was not allowed to sit in on any interviews concerning Management personnel. He commented:

“...S. J. Bashen is a company that is paid by GM to handle their E. E. O. C. claims, so I feel that there is a conflict of interest in their reporting any findings of wrongdoing against GM.”<sup>15</sup>

Sanchez stated that he went to the Local Shop Chairman, Bill King, and explained his concerns about the threatening telephone calls and the selection of Debby Conquest for the suggestions coordinator job. At this point Sanchez suggested that the Local file a Paragraph (6)(a) grievance.<sup>16</sup> The Local filed Grievance F-2597 on Torres’ behalf

---

<sup>14</sup> Record, p. 16.

<sup>15</sup> Record, p. 8.

<sup>16</sup> Paragraph (6)(a) of the Agreement between General Motors Corporation and the UAW, effective October 18, 1999, states as follows:

“It is the policy of General Motors and the UAW that the provisions of this Agreement be applied to all employees covered by this Agreement without discrimination based on age, race, color, sex, religion, national origin, disability or sexual orientation as required by appropriate state and federal law. Any claims of violation of this policy, claims of sexual harassment or of any laws regarding discrimination or harassment on account of disability may be taken up as a grievance.

When a grievance containing a claim of violation of this paragraph is appealed to the Shop Committee the Chairperson of the Shop Committee may refer the claim to a designated member of the Civil Rights Committee of the Local Union for a factual investigation and report. Any such investigation will be conducted in accordance with the provisions of Paragraph (33). Neither the Chairperson of the Civil Rights Committee, nor the member of the committee that the Chairperson may designate to investigate such a claim in the Chairperson’s place, shall receive pay from the Corporation based solely upon any activity arising pursuant to this paragraph.

charging Management with a violation of Paragraph (6)(a) of the National Agreement on June 26, 2001.<sup>17</sup>

Sanchez continued to investigate Torres' complaints. He interviewed Supervisor Earl Redd about the decision to place Debby Conquest in the suggestions coordinator job. Redd indicated that he thought this was a good way to separate Torres and Conquest because there was some friction between the two, and then Torres could be given the conveyor job. According to Sanchez, Redd stated that the issue of filling the suggestions job with workers' compensation people never came up; they did not think that was a requirement.<sup>18</sup>

On July 14, Mike Southwell advised Sanchez that the Company had received a verbal report from the S. J. Bashen Corporation. Southwell indicated that he wanted to meet with Torres to explain the results of that investigation. During his meeting with Torres and Sanchez, Southwell reported that S. J. Bashen had concluded that there was not enough evidence to substantiate Torres' claims of discrimination and harassment. It was also revealed during this meeting that Supervisor Van Doran had not been fired, but was now working at the Lake Orion Assembly Plant. Sanchez reported that Torres complained that the Company had once again swept her problems under the rug, and that she left the meeting very upset.<sup>19</sup>

Sanchez's report indicates that Torres had also complained to him about the fact that Debby Conquest's name always appeared at the top of the overtime sheet, and did not move up or down to show whether she was charged for overtime. But on this point, Sanchez concluded that the issue of overtime and the overtime sheets was something that had to be dealt with under the overtime provisions of the National Agreement, and not under Paragraph (6)(a).<sup>20</sup> Torres filed Grievance F-4190 charging Management with failing to properly record and display overtime hours in the body shop on October 4, 2001. The grievance was withdrawn by the Local on October 12.<sup>21</sup>

Sanchez issued the final report on his investigation into Torres' charge that Management failed to provide a non-hostile and non-discriminatory workplace on October 15, 2001. Sanchez found that the telephone calls to Torres did create a hostile work environment, but that Management's response showed that it was concerned with the situation and trying to address it. Sanchez pointed out that the situation ought to

---

The grievance and arbitration procedure shall be the exclusive contractual procedure for remedying such discrimination claims."

<sup>17</sup> Record, p. 3.

<sup>18</sup> Record p. 17.

<sup>19</sup> Record, p. 20.

<sup>20</sup> Record, p. 19.

<sup>21</sup> Record, pp. 4-5.

have been addressed on a plant-wide basis, rather than just as an incident in the body shop. He wrote:

“...There should have been bulletins or notices throughout the plant refreshing everyone’s responsibility on how to deal with and respond to a hostile worker environment. And to let everyone know the policy and procedure and repercussions if they are involved in such situations. Also they could have involved the Union’s Local Civil Rights Committee (including myself) sooner, for ideas and suggestions on resolving this issue.”<sup>22</sup>

Nevertheless, Sanchez concluded that the first issue that Grievance F-2597 was written to resolve, that of the threatening telephone calls, had been adequately addressed by management.

Sanchez declared that Superintendent Craig Hill did act improperly. He stated:

“I feel that for Craig Hill to pretend that he was not aware of the situation involving Ms. Torres and her mistreatment by Supervisor Van Doran, since he is the ranking member of management, the Superintendent of the body shop, it is his legal responsibility (Craig Hill’s), to be aware of the actions of his supervisors and [he] could be held responsible for their behavior.”<sup>23</sup>

Sanchez acknowledged Management’s right to make job assignments under Paragraph 8 of the National Agreement, but he said there were far too many situations where this Paragraph is abused. He continued:

“Now management is proclaiming that they are trying to ‘change the environment’ of the plant and ‘instill trust into the employees,’ well they have an opportunity to do this, and it was even at their own third party (S. J. Bashen) report that they needed to make a few changes in the way they interact and deal with the employees. Also there is still some training that needs to be implemented in order for this grievance to be settled.”<sup>24</sup>

In the end, however, Sanchez decided that Torres’ complaints about the alleged favoritism shown to Debby Conquest did not support a claim that Management had

---

<sup>22</sup> Record, p. 24.

<sup>23</sup> Record, pp. 23-24.

<sup>24</sup> Record, p. 25

created a hostile working environment, and that Grievance F-2597 should be settled. The final paragraph of his report states:

“Management did take steps to address and correct this situation by installing caller ID phones and offering to provide a more secure parking area for Ms. Torres and by other steps they took to correct this and I recommend that Grievance #F-2597 be satisfactorily withdrawn or settled under those provisions that management did address the situation and acted accordingly, and also included in this settlement, is the future training for both hourly and salary persons, as was a part of my findings as well as in the S. J. Bashen’s reported findings.”<sup>25</sup>

Torres did not learn that grievance F-4190 had been withdrawn until December 2001, and she appealed that decision to the Local on January 8, 2002.<sup>26</sup> Grievance F-2597 was settled on January 23, 2002, based on the following disposition by Management:

“The Company has investigated the (6)(a) and has found the allegations unsubstantiated. If there are any future (6)(a) allegations, the Company will conduct an immediate investigation into them.”<sup>27</sup>

Torres appealed the settlement of Grievance F-2597 to the Local on January 30, 2002.

Committeeperson Robert “Skip” Presson wrote to Region 1 Representative Brian Johnson on August 3, 2002, to explain the Local Union’s decision to withdraw Torres’ Grievance F-4190 concerning the incorrect overtime charges. He reported that he spoke with the Supervisor, Don Lawrence, about the incorrect charges and the problem was corrected immediately. As for the overtime sheets not being displayed properly, Presson stated that it was Torres who removed the sheets from the Supervisor’s office.<sup>28</sup>

The election of new officers and Shop Committee members at Local 594 delayed the processing of Torres’ appeals until October 13, 2002, when they were presented to the membership. The minutes reflect that the membership then adopted a motion denying the appeals. Torres appealed to the International Executive Board (“IEB”) on October 25, 2002.<sup>29</sup>

---

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

<sup>26</sup> Record, pp. 30, 33

<sup>27</sup> Record, p. 35.

<sup>28</sup> Record, p. 49.

<sup>29</sup> Record, p. 58.

In her appeal to the IEB, Torres stated that she first requested that a grievance be written charging Management with creating a hostile work environment in violation of Paragraph (6)(a), of the National Agreement on February 19, 2001, but that the Local refused.<sup>30</sup> That refusal, she wrote, left her in a hostile work environment from February 19 until June 26, 2001, when the Local finally did file a grievance pursuant to Paragraph (6)(a), on her behalf.

Torres submitted two statements from co-workers to corroborate her charge of discrimination. In a statement dated January 16, 2002, William Trejo wrote:

“...Debbie has never been accepted in the body shop, her seniority has never been recognized and the union that is supposed to support her, stands by and enjoys her suffering. Every day is a struggle for Debbie in the body shop; it has its cliques and if you are not accepted for whatever reason, you will be persecuted. I have witness[ed] Debbie ask the union to write grievances and investigate on her behalf. The only fight that the union wants to get involved in is the fight against her. I feel Craig Hill is a motivating factor in the persecution of Debbie. I do not understand why. Debbie has good attendance and is a good worker. I know that when Debbie received threatening calls, Mike Southwell and Skip Presson held a group meeting with our department 11BB only. Mr. Presson indicated at this point, he did not believe Debbie, the most disturbing part about that is, this is her union representative.”<sup>31</sup>

On January 27, 2002, Vance Jacober wrote that when Torres came to the second shift she was placed on the MIG job, a job that nobody wanted to do because it was dirty and smoky. He reported that although she should have been placed in a better position because of her seniority, she came in daily and worked this job. Jacober continued:

“...Why management did not like Debbie, I do not know. It may be because when Mike Van Doran (foreman) and Chuck Bogard (group leader) told Debbie to tell me if I did not retire that they would put me on the hardest job in the department, Debbie refused. She told Don Lawrence about the conversation to inform him how foremen abuse their power. This may be the reason behind how badly Mike Van Doran has treated Debbie. In addition, I feel that Craig Hill

---

<sup>30</sup> Record, p. 58

<sup>31</sup> Record, p. 34.

had it out for her and made her eight hours of working a living hell..."<sup>32</sup>

In her appeal of the decision to withdraw Grievance F-4190, Torres argued that one employee was allowed to make thousands of dollars more than any other gun welder because the overtime sheets were falsified.<sup>33</sup> In support of this argument, Torres submitted the overtime sheets prepared in accordance with Paragraph (71) of the National Agreement, as well as General Motors' records of the hours worked by Debbie Conquest. Torres maintained that the Paragraph (71) sheets do not reflect the actual hours worked by Conquest as recorded by General Motors.<sup>34</sup>

Local 594 Recording Secretary Marcus Hamilton responded to Torres' appeal in a letter to International President Ron Gettelfinger on December 18, 2002. In response to Torres' appeal of the settlement of Grievance F-2597, he stated that Management had tapped the phone on which Torres received the threatening telephone calls, but that no further calls were monitored. He reported that Management agreed to investigate any further reports regarding such calls and the grievance was settled on this basis. In response to grievance F-4190, Hamilton stated that the inaccurate overtime charges that Torres complained about had been corrected.<sup>35</sup>

Torres responded to Hamilton's letter on March 2, 2003. She argued that the Paragraph (71) sheets were never corrected and "nobody was made whole." Torres stated that Conquest had simply been removed from Department 11bb and placed in a salaried department where she did not have to equalize overtime.<sup>36</sup> Torres stated that Management did not monitor any of the threatening telephone calls because she received the calls in February 2001, and Management did not place a tracer on the telephone until June 2001.<sup>37</sup>

Joe Halapi and Janice White, acting on behalf of the International President, conducted a hearing on Torres' appeal on June 18, 2003. The hearing officers prepared a report based on the hearing for the IEB. They noted Torres' complaint that the Local Union did not immediately file a grievance protesting the harassment she was experiencing at work. Their report indicates that Torres testified that she was fearful and stressed, but that she did not take any medical leave as a result of the stress.<sup>38</sup>

---

<sup>32</sup> Record, p. 36.

<sup>33</sup> Record, p. 58.

<sup>34</sup> Record, p. 134

<sup>35</sup> Record, p. 88.

<sup>36</sup> Record, p. 95.

<sup>37</sup> Record, p. 97.

<sup>38</sup> Record, p. 108.

The hearing officers concluded that there was no reason to reopen Torres' two grievances. They acknowledged that Torres had problems with some members of Management, but they suggested that she had other avenues available to address these problems such as having more discussions with her Local Union representatives.<sup>39</sup> The hearing officers concluded that the settlement of Torres' grievances was not devoid of a rational basis or improperly motivated and they denied Torres' appeal. The IEB adopted the hearing officers' report as its decision and notified Torres on November 7, 2003.

She has now appealed to the Public Review Board ("PRB").

### ARGUMENT

#### **A. Deborah A. Torres:**

Grievance F-4190 was written because the overtime sheets required by Paragraph (71) of the National Agreement were incorrect. Not because they were not posted, or they fell off the wall, or someone took them, but because they were incorrect. The sheets did not reflect all of the overtime in the classification because one particular employee was not being charged for the overtime that she worked. That is why the grievance demanded that the problem be corrected and that the employees in the department be made whole, not just Deborah Torres, but all of the employees in the department.

I reported the threatening telephone calls to the Local in February 2001, but Committeeperson Presson refused to write a grievance. I finally went to the Shop Chairperson and only then was the grievance written. When I was receiving the threatening telephone calls, I found it difficult to leave my home. I was in a hostile work environment because of the way that Management handled Mike Van Doran's transfer. There were rumors that I had him fired, and Management never corrected these rumors. I never went on medical, because I could not afford to go on medical. Nevertheless, the situation resulted in many weeks of reduced paychecks and forced me to use all of my vacation time. I feel that my grievances should be reinstated so that I can be compensated for the losses I suffered.

#### **B. International Union, UAW:**

Appellant has not identified any ongoing errors in the overtime records. She does not deny that the Company installed technology to identify the person who was making the threatening telephone calls. She does not dispute that Management agreed to investigate any future incidents promptly. It is not clear what else could be accomplished by pursuing the grievances in question. The Union was entirely within the range of its discretion in concluding that there was no further remedy that an arbitrator

---

<sup>39</sup> Record, p. 110.

could provide. Appellant has not identified any discrimination, fraud, or collusion with management, on the part of the Local Union. There are, therefore, no grounds for overturning the IEB's decision denying her appeal.

**C. Rebuttal by Deborah A. Torres:**

The Union has failed to address the contractual violations of Paragraph (6)(a) and Paragraph (71) of the National Agreement. I made the Union fully aware of the violations and what was being demanded in my grievances.

DISCUSSION

Civil Rights Chairperson David Sanchez has described a disturbing situation in his extensive report on the complaint filed by Torres in April 2001. The Local Union's representatives seemed reluctant to challenge Supervisor Van Doran's unfair and disrespectful treatment of Torres. Van Doran's statement that he was not going to let high seniority third shift people displace his second shift people, and his placement of Torres on the least desirable job in the department, despite her high seniority, warranted at least an investigation by the Local Union. Torres placed a call to her Committeeperson to assist her in dealing with Van Doran, but she apparently got no response. She had to dial the hotline facility in order to have the problem addressed by Labor Relations.

It is not clear from this record what motivated Management's decision to transfer Supervisor Van Doran. Chairperson Sanchez's report indicates that the people in Torres' department believed that Van Doran had been fired, and Management's representatives did nothing to correct this misconception. Instead, they in effect reinforced it by stressing the point that Van Doran's departure had nothing to do with Torres. Labor Relations Representative Kelly-Going told Sanchez that Torres did not report Van Doran's offensive reference to her as a "nigger-loving bitch" at the meeting on February 20, 2001, but Labor Relation's decision to transfer Van Doran to a different plant suggests that it was aware of serious problems. Committeeperson Skip Presson was present at the meeting on February 20, but he apparently did not question Torres or attempt to elicit any further explanation about what she meant when she reported being treated disrespectfully by Superintendent Craig Hill and Supervisor Van Doran. It is not clear whether at that time Committeeperson Presson knew about Van Doran's transfer to Lake Orion. In any event, the situation did not prompt him to investigate the problems that Torres was experiencing.

Torres asserts that Presson refused to file a grievance on her behalf even after she reported the threatening calls to her Local Union. While the record indicates that Presson attended the meetings scheduled by Management in Torres' department to discuss the Company's policy against any behavior that would create a hostile working environment, there is no indication that he played anything other than a passive role in these proceedings. He did not seek to involve the Local Union's Civil Rights Committee

at this point, even though Torres was maintaining that she still felt she was the victim of a hostile work environment.

At the same time, Torres does not explain why she waited until April before consulting Civil Rights Chairperson Sanchez about the problems she was having. By this point, she had been moved to her requested assignment on the conveyor job and Management had installed caller ID on the telephone in her department in order to protect her from the threatening telephone calls. So, by the time Torres' Paragraph (6)(a) grievance was submitted by the Local, the specific problems that gave rise to the grievance had been addressed. Nevertheless, Torres did not feel that her complaints had been addressed adequately.

The record demonstrates that Torres' concerns went beyond the telephone calls and an unfavorable job assignment. Her correspondence and that of the two co-workers who submitted notarized statements on her behalf speak more generally of a pattern of unfair treatment and disrespect shown to her as a woman and a minority. These are indeed serious and troubling issues, but they are not problems that we can deal with in an abstract way in response to a grievance appeal. The local parties must become more sensitive to the presence of hostility in the workplace based on race and sex. Local representatives need to be willing to challenge any pattern of behavior on the part of Management which disadvantages employees because of their race or gender.

Chairperson Sanchez has made some useful suggestions in his report to assist the parties in grappling with a situation such as that posed by the behavior of Supervisor Van Doran, and the hostile environment Torres continued to face after Van Doran's departure from the Pontiac plant. Sanchez urged Management to look into rotating supervisors in order to avoid the development of patterns of favoritism. More importantly, he suggested that Management institute training for its personnel to improve the way that they deal with employees who feel they have been threatened or discriminated against. Sanchez wrote that the implementation of such training would be necessary in order to resolve Grievance F-2597.

The settlement reached in Grievance F-2597 does not indicate that the Company made any commitment to implement a training program for its personnel. It appears that some of the representatives elected by the members of Local Union 594 would also benefit from participating in such training. We hope that the Local will take the initiative to implement training for its representatives in dealing with claims of discrimination and hostility.

We agree with the IEB's conclusion, however, that nothing would be gained at this point by reopening Grievance F-2597. The specific problems Torres faced in her department in February 2001 have been addressed. Any future problems of the type Torres encountered with Supervisor Van Doran would have to be addressed in separate grievances.

Torres has maintained throughout the processing of her appeal that there was an ongoing problem in her department with the overtime sheets required to be maintained under Paragraph (71) of the National Agreement. This claim is the basis of her appeal of the withdrawal of Grievance F-4190. Local 594 maintains that the errors on the Paragraph (71) sheets that Torres pointed out were immediately corrected and her grievance protesting the errors was withdrawn on that basis. In support of her appeal of the withdrawal of Grievance F-4190, Torres has submitted overtime records and pay sheets for Debbie Conquest intended to demonstrate that Conquest was allowed to work more overtime than other employees in the department, and that she was not charged for the overtime that she worked.

Sanchez's report suggests that Torres believed Superintendent Hill's preferential treatment of Debbie Conquest was part of the hostile environment she claimed existed in her department. The records submitted by Torres, however, do not substantiate her claim that Conquest was given any special treatment or that her hours were not properly reported. Torres has written notes on the sheets showing occasional errors involving other employees. These observations, however, do not provide a basis for reopening Grievance F-4190. Minor discrepancies in the overtime sheets do not establish any systematic pattern of discrimination. We conclude, therefore, that the Local Union's decision to withdraw Grievance F-4190 was rational.

The decision of the IEB is affirmed.