

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

APPEAL OF:

DENIESE ALEJANDRO,
Appellant

-vs-

CASE NO. 1554

UAW LOCAL UNION 2244 EXECUTIVE BOARD
REGION 5
(Fremont, California)
(THE UNITED AUTOMOBILE, AEROSPACE
AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA),
Appellee.

DECISION

(Issued January 25, 2007)

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

Deniese Alejandro argues that the charge she submitted against Deborah H. Williams satisfied the requirements of Article 31, §3, of the International Constitution.

FACTS

Deniese Alejandro was the Financial Secretary of UAW Local 2244 in Fremont, California. On November 16, 2005, Alejandro presented a charge against Local 2244 Executive Board member Deborah H. Williams pursuant to Article 31, §3, of the International Constitution. Alejandro reported that during a Local Executive Board meeting on October 26, 2005, Williams verbally threatened her by stating: "I'm going to kick your mother fucking anorexic ass."¹ Alejandro commented:

"Every member has a right to discuss any matters that pertain to the local union finances, but has no right to attack me personally for the decisions I make on behalf of the Local Union and the membership.

¹ Record, p.1.

After these threatening comments, I feel insecure and unsafe to be in her presence and in my office alone.

President George Nano who chaired the meeting did nothing to intervene, tell her to stop, or to maintain order. He never said a word or raised his gavel.

Nobody should be subject[ed] to this kind of conduct from anyone. Everyone is entitled to work in a harassment free working environment.”²

Alejandro included the statement of two witnesses to corroborate the allegations in her charge.³

Alejandro’s charge was considered by the Local 2244 Executive Board at a meeting on November 16, 2005. The Local Executive Board determined that the charge did not satisfy the criteria set forth in Article 31, §3(c), of the International Constitution in that it did not allege conduct that would be a violation of the Constitution or conduct unbecoming a member of the Union.⁴ Alejandro was notified of the Local Executive Board’s decision on November 18, 2005.

Alejandro appealed the Local Executive Board’s rejection of her charge against Deborah Williams to the International Executive Board (IEB) on December 13, 2005. The President’s staff determined that a hearing was unnecessary on the issues raised by Alejandro’s charge and they prepared a report to the IEB on the President’s behalf based on information provided by Alejandro and Local Union 2244.⁵ Staff observed that the Local Executive Board is required to assume that the allegations stated in the charge are true and that it would be conduct unbecoming a Union member to make a serious threat of physical violence against another member. Nevertheless, staff observed that the Board members who witnessed the confrontation did not regard Williams’ remark as a serious threat. Staff’s report states:

“...Obviously, when those Board members reviewed this charge, they drew on their own knowledge and experience of the incident. They either did not hear the threat or accepted Williams’ statement as mere bantering between the parties and not of a threatening nature. Although the appellant, in her charges, states that she now feels insecure and unsafe in Williams’ presence, she has not taken any other visible

² Record, p.1.

³ Record, pp. 2-3.

⁴ Record, p. 6.

⁵ Record, p. 17.

action to secure her safety from Williams, as she has done in other similar circumstances in the past.”⁶

Based on this analysis, staff denied Alejandro’s appeal. The IEB adopted staff’s report as its decision on August 25, 2006.⁷ Alejandro has now appealed the IEB’s decision to the Public Review Board (PRB).

ARGUMENT

A. Deniese Alejandro:

The International Union’s total disregard for abusive language is a shame. President Gettelfinger’s Administrative Assistant Dave Curson has characterized Williams’ threat against me as mere shop talk. At the same time, he ruled that my standing over the bookkeeper when there was a problem with insufficient funds constituted harassment.

Threats such as the one Williams made against me may have been tolerated in the past. Today, however, because of changes in Federal laws and the policies against harassment adopted by the International Union, such threats should no longer be tolerated. Administrative Assistant Curson’s report suggests that I should have taken some action to secure myself if I felt threatened. The actions that I took were those provided in the UAW Constitution. I did not feel that I should have to go outside the Local Union to get protection. I am shocked by the IEB’s decision to deny my appeal. Threatening and abusive language is not tolerated in the workplace, so why should it be tolerated at the Local Union.

B. International Union, UAW:

There is little doubt that Deborah Williams’ language was offensive and ill-chosen. The question presented by Alejandro’s appeal is whether this ill-tempered statement was a serious threat of imminent physical assault, or rather was hyperbole in the heat of an argument between Williams and Alejandro. There is nothing to suggest that Williams struck or attacked Alejandro, or followed her statement with other acts of physical confrontation. Despite Alejandro’s claims that the remarks made her feel insecure and unsafe, she did not telephone or contact the police to file a complaint or request protection.

This Board considered a similar situation in the appeal of *Clapp, In the Matter of Tomczak v. Local Union 699*, 5 PRB 119 (1986). Local 699 member David Clapp filed charges against member Larry Tomczak asserting that Tomczak had threatened to beat him up. Tomczak admitted saying to Clapp that he would kick his ass if he continued to

⁶ Record, p. 22.

⁷ Record, p. 16.

call him a liar, but he denied that he meant this as a serious threat. The PRB upheld a decision of the IEB rejecting Clapp's charge under Article 31, §3(c), of the Constitution. The Board's opinion states:

"...The pressures of the work place and the day-to-day interaction among employees inevitably lead to disagreements and disputes between them. These disputes have nothing to do with their membership in the UAW or their relationships as Union brothers and sisters; they are simply manifestations of our human failings. These confrontations and disagreements are inappropriate for resolution through Article 31 procedures."⁸

The principle stated in the *Clapp* decision should be applied here to deny Alejandro's appeal.

C. Rebuttal, by Deniese Alejandro:

The International Union argues that my failure to contact the police demonstrates that I did not actually feel threatened by Deborah Williams' remarks. It is true that I have called the police in the past when I felt threatened by members. On that prior occasion, I was alone in my office and the members who were verbally harassing me refused to leave. In this case, however, I was in a room full of people. The President and Chairperson of the Local Union and other top officers were present. I thought someone would intervene, but they did nothing. Member Katy Cameron spoke up and asked the President how he could allow Williams to threaten me in that way and he just laughed. At the end of the meeting, two members walked me to my car. That is why I did not call the police.

Williams' threat against me was not shop talk. Shop talk is vulgarity or inappropriate language. Williams' statement was a threat of bodily harm. This type of confrontation has proven to be dangerous and should not be taken lightly. To this day, I feel insecure and unsafe. I have friends watch or walk me to my car, wherever I may be. There is no way Williams' conduct would have been excused in the plant. The Union should not have a lower standard of behavior for its members.

DISCUSSION

The fact that Williams might have been subjected to discipline by an employer for the comment she made to Alejandro has no bearing on the question whether it constitutes conduct unbecoming a Union member. It is not the function of the Union to police the personal utterances of its members. As the International Union has observed, we have consistently ruled that Article 31 of the Constitution is not designed

⁸ 5 PRB 199, at 121.

to resolve personal disagreements between members. Alejandro's subjective interpretation of Williams' outburst does not alter its essential character. Local Board members who observed Williams' remarks in context did not regard them as threatening. We share their view that the statement in question was an expression of frustration rather than a serious threat. As we observed in the *Clapp* decision, *supra*, people often do speak this way in stressful situations.

The decision of the IEB is affirmed.