

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

APPEAL OF:

KENNETH MITZ, Member,
LOCAL UNION 730, UAW
(Wyoming, Michigan),
Appellant

-vs-

CASE NO. 1569

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

DECISION

(Issued May 8, 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.

Kenneth Mitz argues that the settlement of his grievances protesting the assessment of discipline and charging Management with racial discrimination was motivated by collusion or lacking a rational basis.

FACTS

Kenneth Mitz is a crane operator at General Motors Grand Rapids Metal Fabricating Division (GM) with a seniority date of August 16, 1972. On a number of occasions during his employment at General Motors, Mitz believed that he was being mistreated or disciplined because he is an African-American. In 1987, Mitz filed a complaint against GM and the UAW pursuant to Title VII of the 1964 Civil Rights Act claiming that he had been disciplined unfairly and that the Union did not represent him adequately.¹ In 1996, Mitz filed a grievance against his Supervisor, Gordon Frost, charging him with discrimination in violation of Paragraph (6a) of the 1993 GM-UAW National Agreement. An investigation by the UAW Local Civil Rights Committee found that Frost had violated Paragraph (29) of the National Agreement by refusing to call

¹ Record, pp. 5-9.

Mitz's Committeeperson when requested to do so.² Committeeperson Dave Galloway corroborated Mitz's claim that Frost's behavior was racially motivated. Galloway stated:

"...No other person in my 33 years at this plant has shown such outward prejudice against minorities and continues to this day to use his power and authority as a supervisor against minorities at this plant. ..."³

The Civil Rights Committee reported, however, that there were no documents to support Galloway's claim regarding Frost's mistreatment of Mitz and other minorities, although a number of grievances had been filed against him claiming harassment or violations of Paragraph (6a) of the National Agreement. The Committee concluded that they did not have enough evidence to prove racial discrimination but that Frost had behaved in a very unprofessional manner.⁴

On March 17, 2005, GM issued Mitz a disciplinary suspension for refusing to obey a direct order of his supervisor.⁵ UAW Local 730 filed Grievance No. 541 protesting the discipline.⁶ Mitz gave the following statement in support of the grievance:

"...Larry Walcott said I want you to go over to S-Line. Kenny Mitz said O.K. What do you want me to do? They have a full area down there. Kenny said you tell me what you want me to do and I will go over there. Larry Walcott got really loud and boisterous saying I am telling you to go over there right now. Kenny Mitz said get my committeeman. Larry Walcott said I am giving you a direct order. Kenny said get my committeeman right now. Larry walked away and got on the Nextel. Larry Walcott turned and came back. Larry said, you're on notice, and then walked away. ..."⁷

Another statement in the record indicates that Mitz told Walcott that he was a crane operator and someone was already running the crane on the S-Line.⁸ Jeannine Thompson, who witnessed the incident from the Work Center, gave the following description of it:

² Record, p. 12.

³ Record, p. 16.

⁴ Record, pp. 16-18.

⁵ Record, p. 43.

⁶ Record, p. 44.

⁷ Record, p. 69.

⁸ Record, p. 47.

“On March 16, 2005, I was working in the Work Center. Carolyn Rush stopped in. We were standing just inside the doorway. Her Nextel went off and I heard her say don’t argue with him put him on notice. Then I looked out the window because I could hear yelling. It was Kenny Mitz and Larry, his Supervisor. Carolyn and I talked a little more. She told me Kenny didn’t like her and that he called Detroit and the 800 number on her. Kenny came in after she left to ask the name of that Supervisor. Al called Carolyn to get his name.”⁹

Management denied Grievance No. 541 at a second step meeting on April 11, 2005. The grievance was appealed to the third step on May 4, 2005, as Appeal Case A11.¹⁰

On March 18, 2005, Mitz also filed unfair labor practice charges against GM and Local 730 with the National Labor Relations Board (NLRB) claiming that he had been disciplined in retaliation for his union and concerted activities and that the Local Union had failed to represent him in dealing with harassment and discrimination by GM.¹¹ In an affidavit submitted in support of his charges, Mitz stated that Management is required by “Demand 33” of the Local Agreement to go by seniority when it needs to take an employee away from his job to do something else. He explained that he and several of his co-workers had filed grievances complaining about Management’s violation of their “Demand 33” seniority rights, but that the violations continued.¹² Mitz charged that Local 730 and GM worked together to keep his “Demand 33” grievances from reaching the third step of the grievance procedure. He suggested that he was disciplined on March 17, 2005, for insisting on his “Demand 33” rights. After describing his confrontation with Larry Walcott, Mitz reported:

“No Committeeman came to me that night. I did walk over to S-Line but a crane hooker named Diane Rostick was walking away from there. She told me that they had sent her back to her demand area from S-Line and that they did not need anyone else over there for hook work; that S-Line Die Set Leader John Kurtz sent her back to her area. So I just returned and worked the rest of my shift in 9 Bay until I went home at 11 p.m. where I continued operating the crane there. That is, I stayed in my demand area and did not go over to S-Line. Walcott said nothing more to me that night.”¹³

⁹ Record, p. 42.

¹⁰ Record, p. 71.

¹¹ Record, pp. 48-49.

¹² Record, pp. 23-25.

¹³ Record, p. 27.

The Summary Report issued by the NLRB in response to Mitz's complaint regarding the Union's failure to enforce his "Demand 33" seniority rights states:

"The investigation revealed that Mitz has worked for the Employer for over 32 years and currently is a crane operator. In June 2004, he and several other employees filed a grievance protesting the Employer's implementation of a memorandum of understanding regarding 'movement teams.' This grievance was processed by the Union, but withdrawn based upon a memorandum of understanding granting the Employer the right to have 'movement teams.'

...

In regard to his charge against the Union, it was noted that the memorandum of understanding regarding 'movement teams' was fully disclosed by the Union to its membership at the time of ratification. The memorandum of understanding allowed the Employer to expand work areas and freely move crane operators, such as Mitz, from one area to another. No evidence was presented to establish that the Union was hostile towards Mitz for any reason or that it made decisions on his grievances based on arbitrary or irrelevant considerations. ..."¹⁴

On April 29, 2005, Mitz was given a disciplinary layoff for threatening his Supervisor in violation of Shop Rule #20.¹⁵ Local Union 730 filed Grievance No. 806 protesting the discipline.¹⁶ According to the Union's Statement of Unadjusted Grievance prepared in connection with Grievance No. 806, on April 28, Mitz was working in his area when he was informed that his crane crew was being assigned to a different bay. Supervisor Larry Walcott had a Committeeperson inform Mitz about the reassignment because of the previous incident. Mitz questioned the decision to reassign his crew because there was a rush job in progress. Committeeperson Mike Thompson described what happened next as follows:

"I (Committeeperson Mike Thompson) called Larry Walcott and asked to meet with him to discuss the situation. He said [he] would be at the office and showed up shortly after I did as well as the grievant. I asked Larry why he was removing the grievant from 9 Bay, as well as the grievant asking him

¹⁴ Record, p. 109.

¹⁵ Record, p. 59.

¹⁶ Record, p. 60.

why he was being taken off the job, what they were doing, and why he would jump seniority. Larry started yelling, 'I am giving you a direct order.' The grievant stated, 'I never said I wasn't going to do the job, but I do need to go to my locker and get my hard hat.' To which Walcott replied, 'I'm telling you to go down there right now, and I'm going to put you out of here if you don't go right now.'

The grievant stated, 'You don't have to threaten me. I'm not refusing to do the job.' The grievant then requested to put in a call for his committeeperson and proceeded to go get his hard hat. Walcott then told me, 'You better take care of it.'"¹⁷

At this point, Mitz encountered Superintendent Mike Yeager. Yeager was aware of Mitz's problems with Walcott. Yeager had advised Mitz to come to him and discuss any disagreements he had with Walcott.¹⁸ So, when Mitz saw Yeager, he asked if he could speak with him. Mitz described the subsequent events as follows:

"I asked Yeager to keep Walcott away from me, because he was up to his old tricks threatening and harassing me. Yeager said, 'He's short on people.' And I replied, 'I understand that, and I'm gong to help out if I can.' Then Walcott came up and started yelling, and I started yelling, 'Get him away from me.'

When I got to the JJ Line, I had to wait 45 minutes or more, because the job wasn't even lined up. After finishing the job, I went to the Work Center to speak to my Committeeperson, Mike Thompson. Superintendent Yeager stopped by and I handed him a vacation slip. He in turn said, 'I have to put you on notice.' The reason I spoke to Yeager was because he told [me] that if I had any problems with Walcott to come see him that Walcott was nothing more than a contract foreman.

I was always told Production came first. Supervisor Walcott restricted Production. Jim Roland got on Walcott for pulling the heavy duty from 9 Bay. Ed, the Leader from 9 Bay, asked him why he was pulling the heavy duty from 9 Bay. Walcott replied, 'I have a list here, and you're not on it.' Also, Superintendent Yeager was backing him on this. Ed Wojciakowski, Tryout Leader in 9 Bay, said they had a hot

¹⁷ Record, p. 84.

¹⁸ Record, p. 61.

job they needed for Z1. Walcott had screwed up everything. At 7:20, the job was still sitting there. Witnesses were Chris Booth, Ed from Steel Stores, Crane Crew from 17 Bay, Mark Isenhoff, and Ed – Leader in 9 Bay.”¹⁹

Ed Wojciakowski gave a written statement confirming that Walcott’s order had caused problems and delayed a rush job by pulling Mitz’s crew out of 9 Bay. Wojciakowski commented:

“I did not witness the confrontation, but I feel this whole mess could have been avoided had Larry Walcott left things status quo in 9 Bay. Also five hours of set-up time on the Mansfield job in 2-1 would not have been lost due to the arrogance of a contract supervisor. Perhaps Mr. Walcott should be informed that his idea of priorities is not necessarily the consensus of others.”²⁰

Representatives of Labor Relations and the Local Union met to discuss Grievance No. 806 on May 3, 2005. During the course of the discussion, it became clear that no physical threats were made. The threat that Mitz made was that he was going to sue Walcott.²¹ It was also revealed during this discussion that Larry Walcott was no longer a contract supervisor for GM. Superintendent Yeager suggested that Larry Walcott’s behavior was a moot point because he no longer worked for GM. Committeeperson Michael Thompson responded that it was not a moot point if Walcott had been creating a hostile work environment. Thompson pointed out that Walcott had problems with other African-American employees in production.²² On May 20, 2005, Grievance No. 806 was appealed to the Third Step as Case No. AA-12.²³

On June 24, 2005, Case AA-11 was withdrawn without prejudice by the Union.²⁴ Case AA-12 was settled based on the following agreement:

“Without prejudice to Management’s position in this or any other case, the penalty of a balance and three days shall be removed from the grievant’s disciplinary record and he shall be paid one day’s pay. The parties understand this

¹⁹ Record, p. 85.

²⁰ Record, p. 65.

²¹ Record, pp. 91-92.

²² Record, p. 97.

²³ Record, p. 82.

²⁴ Record, p. 103.

agreement to be in full settlement of this case, and the grievances 807, 808, 809, and 810."²⁵

Grievances 807, 808, 809, and 810 had also been filed in response to the discipline issue to Mitz on April 29. Grievance No. 807 charged Supervisor Walcott with harassing and threatening Mitz.²⁶ Grievance No. 808 charged Walcott with a violation of Plant Rule #20.²⁷ Grievance No. 809 charged Walcott with restricting production.²⁸ Grievance No. 810 complained that Superintendent Mike Yeager did not honor his agreement to help Mitz deal with Larry Walcott.²⁹

Mitz was informed of the settlement of Cases AA-11 and AA-12 on August 17, 2005. He appealed the settlement to the membership on August 22, 2005. At a meeting on September 20, 2005, the Local 730 membership voted in favor of Mitz on both appeals.³⁰ Mitz forwarded a copy of the minutes of the September 20 membership meeting to the International Executive Board (IEB) on September 26, 2005.

In addition to Grievance No. 541, Mitz had also requested a grievance on March 17, 2005, claiming a violation of the Company's policy against discrimination or harassment based on race pursuant to Paragraph (6a) of the UAW-GM National Agreement. Local Union 730 filed Grievance No. 542 on Mitz's behalf on March 21, 2005, making the following complaint:

"I charge Management (Larry Walcott) with violation of Paragraph (6a) of the National Agreement. I demand that this action cease and desist immediately; employee to be made whole. Carolyn Rush is also involved in this grievance."³¹

Grievance No. 542 was referred to the UAW Local Civil Rights Committee for investigation as provided for in Paragraph (6a) of the National Agreement. The Civil Rights Committee issued the results of their investigation on August 29, 2005.

The Committee interviewed the people involved in the two incidents that were the subjects of Grievance No. 541 and Grievance No. 806, and those people repeated the allegations and arguments that were made in the grievance meetings.³² The Committee

²⁵ Record, p. 104.

²⁶ Record, p. 116

²⁷ Record, p. 117.

²⁸ Record, p. 105

²⁹ Record, p. 118.

³⁰ Record, pp. 131-132.

³¹ Record, p. 128.

³² Record, pp. 122-124

also interviewed other employees who had experienced problems with Larry Walcott, and several of these employees confirmed that Walcott's behavior seemed to be racially motivated. Employee Dennis Jackson complained that Walcott would assign two white employees to sort a rack while assigning black employees to a rack each. When Committeeperson Evelyn Shreve met with Walcott about this complaint, he suggested that she would not handle the matter fairly because she was African-American, and as a result of that remark Shreve removed herself from the case.³³ Employee Art Franklin reported that Walcott seemed to have a particular problem with Mitz. Franklin stated that he believed Walcott had been brought in by GM to harass certain employees.³⁴ The Committee concluded that there was not enough evidence to prove racial discrimination within the meaning of Title VII, but that Walcott had created a hostile work environment for Mitz and other employees and that Management failed to address the problem when it was brought to their attention.³⁵

On September 12, 2005, Management responded to Grievance No. 542 at the Second Step as follows:

"Management recognized its responsibility relative to Job Assignment. Management has and will continue to abide by the provisions of (6a) of the National Agreement."³⁶

Local Union 730 accepted Management's answer on September 20, 2005. Mitz appealed the settlement of Grievance No. 542 to the membership on September 28, 2005.³⁷ He argued that the Union should do something to stop the kind of harassment he had experienced. At a meeting on October 18, 2005, the membership voted to deny Mitz's appeal of Grievance No. 542.³⁸ Mitz appealed the membership's action to the IEB on October 31, 2005. In his appeal, Mitz complained that the Local Union allowed Management to ignore seniority rights all the time. He pointed out that the Local Civil Rights Committee had concluded that Management failed to address the hostile environment created by Larry Walcott.³⁹

International Representative Dan Baldwin responded to Mitz's appeal of Cases AA-11 and AA-12 in a memorandum addressed to President Ron Gettelfinger on October 7, 2005. Baldwin stated that he withdrew Case AA-11 because the evidence established that Mitz did not follow a direct order to go to S-Line, but instead, argued about the job content. With regard to the decision to settle Case AA-12, Baldwin stated

³³ Record, p. 124.

³⁴ Record, p. 126.

³⁵ Record, p. 127.

³⁶ Record, p. 128.

³⁷ Record, p. 135.

³⁸ Record, p. 143.

³⁹ Record, p. 145.

that this case also involved Mitz's opposition to the supervisor's decision to change his job assignment. Baldwin observed that in this case the supervisor had the right to change the job assignment because both jobs fell within Mitz's classification.⁴⁰

On September 11, 2006, President Gettelfinger's Administrative Assistants Eunice Stokes-Wilson and Bob Kinkade conducted hearings on Mitz's appeals from the settlement of Cases AA-11 and AA-12 by the Region and the withdrawal of Grievance No. 542 by the Local Union. Hearing officers Stokes-Wilson and Kinkade prepared reports to the IEB on the President's behalf based on materials provided by Region 1D, Local Union 730, and testimony presented at the hearings.

The hearing officers observed that Cases AA-11 and AA-12 were settled at the third step by International Representative Dan Baldwin, so that Mitz ought to have appealed directly to the IEB rather than presenting his appeal to the Local Union membership. They stated that the case was properly referred to the IEB on September 26, 2005.⁴¹

The hearing officers included Representative Baldwin's explanation for his decision to withdraw Case AA-11 and to settle Case AA-12 in their report. They reported further that Baldwin stated he did not believe he could have obtained more relief for Mitz through arbitration than was achieved through the settlement of Case AA-12.⁴² The hearing officers concluded that Baldwin's decision did not lack a rational basis. They found no evidence that his settlement of Mitz's grievances protesting his disciplinary layoffs was influenced by discrimination, fraud, or collusion with Management.⁴³

Jim Younglove testified as a witness in support of Mitz's appeal from the decision to withdraw Grievance No. 542. Younglove had worked with Mitz as his crane hooker until he retired in June 2006. Younglove reported that he was told that he and Mitz were not working fast enough and that Management was going to bring in a "heavy hitter" to straighten things out. According to Younglove, after Larry Walcott arrived he immediately set his sights on Mitz. Younglove stated that he believed Walcott was there to harass Mitz. He said he believed that Walcott would send Mitz to other job assignments just to get him riled up.⁴⁴

Representative Louis Schreuder testified that he reviewed the report of the Local Civil Rights Committee on Mitz's Paragraph (6a) grievance. He said he presented the report to the Shop Committee and all agreed that there was not a violation of the

⁴⁰ Record, p. 139.

⁴¹ Record, p. 209.

⁴² Record, p. 225.

⁴³ Record, p. 226.

⁴⁴ Record, p. 234.

contract regarding discrimination. Schreuder addressed Mitz's complaint about the preferential job issue. He denied that there was any collusion or hostility towards Mitz in connection with the implementation of the memorandum of understanding on movement teams. He stated that Management has the right to shut a job down and move an employee as long the employee is not replaced on the job by another employee. He observed Mitz's area was one of the last to be restructured after the memorandum of understanding regarding movement teams was adopted.⁴⁵

The hearing officers agreed with Representative Schreuder's conclusion that the report of the Local Civil Rights Committee did not establish that Mitz had been discriminated against. They stated that there was no evidence that Representative Schreuder was protecting Management by withdrawing Grievance No. 542.⁴⁶ The hearing officers denied Mitz's appeals. The IEB adopted the reports of the hearing officers on January 22, 2007. Mitz has now appealed the IEB's decisions to the Public Review Board (PRB).

ARGUMENT

A. Kenneth Mitz:

I have been a card carrying member of the UAW for 40 years, and this is the worst case I have ever seen. It is a sad day when your Local Union starts protecting Management and covering up for their wrongdoing. After my Chairperson sat around drinking coffee with members of Management, he came back to the Work Center and told the other Committee members, "Kenny is going to lose this one." I believe that the withdrawal of my grievances was the result of collusion between the Chairperson and Management.

I am asking the Public Review Board to accept my appeal so that we can undo the wrong that has been done. I am sure that you will be able to see that there is something wrong with this picture. Management has singled me out and I am being harassed all of the time. I put in a call to my Committeeperson, and he told me that they are trying to make me retire. I should be able to decide that for myself. Maybe there is some age discrimination going on here, but also our Bargaining Committee is not racially diversified at all. This has been detrimental to all of the membership, not just me. This kind of discrimination has been going on at GRMF for years. If someone does not challenge them they will never stop their "good old boy" system. There was no question that Supervisor Larry Walcott created a hostile working environment by threatening and intimidating the workers under his supervision and the Union did nothing. I have told the Union about this time and time again, but they will not do anything about it.

⁴⁵ Record, p. 242.

⁴⁶ Record, p. 243.

B. International Union, UAW:

The settlement of Appeal Cases AA-11 and AA-12 was rational. The facts in Appeal Case AA-11 were undisputed. Appellant did not follow a direct order to go to the S-Line die set to do a job within his classification. Instead, he disputed the content of the job and went to the Union Work Center. Consequently, a decision to withdraw the grievance protesting the discipline assessed against Mitz for refusing to obey an order of his supervisor was reasonable.

Representative Baldwin settled Appeal Case AA-12 after Management agreed to remove the discipline from Mitz's record and give him a day's pay. Baldwin determined that this settlement was appropriate based on a review of the record and related statements. The record made it difficult to determine exactly what had occurred. There was, however, evidence that both appellant and his supervisor behaved aggressively. Furthermore, appellant had a history of arguing with supervision when his job assignment changed. Based on these facts, Baldwin concluded that the settlement terms were the best possible result.

With respect to Grievance No. 542, the Local Union Civil Rights Committee conducted a rigorous investigation, interviewing many workers from Management and the bargaining unit. The Committee concluded that there was insubstantial evidence to support a finding of racial discrimination. The Committee did criticize members of Management for the hostile working environment created by Walcott and their failure to address it. The Local Union's decision to settle Grievance No. 542 was based on the report of the Local Union Civil Rights Committee. Consequently, the settlement was rational.

C. Rebuttal by Kenneth Mitz:

I am providing copies of my previous grievances to show how long I have been fighting for my rights. Someone must have given the International Union the wrong information, because they claim that I refused to do a job within my classification. I am a crane operator and have been for 30 years. I am not a die setter. They are not supposed to ask me to work outside of my classification. Why would they tell me to go help a die setter on the S-Line when they had a full crew there already? This was nothing but a set up.

One of the reasons that they singled me out was that I had written a group grievance to protect our "Demand 33" seniority rights. Demand 33 states:

"If there is a need to ship out production people to other areas at the start of the shift, employees will be shipped out of the area in seniority and classification order, unless their demand #33 job is running."

They are trying to create these teams in the plant, but in the process they are mistreating the membership. The Union is letting Management violate the contract every day. We still have our contract. It does not expire until next September, so the rights created by that contract should have been enforced. All Management had to do was follow the contract and none of this would be taking place.

DISCUSSION

In his appeal to the IEB, Mitz argued that the Local Union was refusing to enforce the seniority provisions of the Local Agreement, specifically the commitment stated in Demand #33 that reassignments would follow seniority order. He suggested that Supervisor Larry Walcott was brought in by General Motors deliberately to harass older employees who were insisting on these rights. By invoking Paragraph (6a) of the National Agreement in Grievance No. 542, Mitz implied that Walcott's activities were racially motivated, although the grievance itself does not give specifics.

In response to Grievance No. 542, the Local Civil Rights Committee concluded that Walcott did create a hostile environment and that to some extent the hostility was racially based. That is, of course, intolerable. Members of GM Management must be made aware of any racially based discrimination so that immediate steps can be taken to address the problem. It is the role of the Local Civil Rights Committee to challenge any pattern of behavior on the part of Management which disadvantages employees because of their race or gender. The Local Civil Rights Committee alerted Management to the problems created by the contract supervisor Larry Walcott.

The problems identified by the Civil Rights Committee do not appear to have had any connection to the discipline which gave rise to Grievance No. 541 and Grievance No. 806, however. This record reveals that Mitz opposed organizational changes that diminished an employee's right to remain on his preferred job assignment. Mitz's conflicts with Supervisor Walcott were directly related to his challenges to job assignments outside of his classification or work area. It may be that Walcott was a poor supervisor. His decision on April 28, 2005, to reassign Mitz when there was a rush job pending in Mitz's work area may have been poor judgment, but there is no indication that race had anything to do with the decision. It is a well-established rule of the workplace that an employee must comply with a supervisor's instructions and grieve those which he or she feels are improper.

Our role in reviewing appeals challenging the settlement of grievances is to determine whether the handling of the matter was influenced by impermissible factors such as fraud, discrimination, or collusion with management, or whether the decision was devoid of any rational basis.⁴⁷ In this particular case, the International Representative who reviewed Mitz's appeals found that his job assignment on March 16, 2005, was consistent with the Local collective bargaining agreement so that

⁴⁷ International Constitution, Article 33, §4(i).

Mitz was properly disciplined for his refusal to comply with the Supervisor's order. The paragraph from Demand #33 cited by Mitz does not state that employees have the right to refuse job assignments. Furthermore, the rules regarding job assignments at the Grand Rapids facility were apparently in flux at this time. Representative Baldwin and the Local Shop Committee were in the best position to determine how these rules were meant to be applied. We will not interfere with a local union's judgment on a matter of contract interpretation unless it can be shown to have been irrational.

Representative Baldwin concluded that both Mitz and Walcott were at fault in connection with the altercation that occurred on April 28, 2005. Under the circumstances, the settlement which reduced Mitz's penalty to a minor disciplinary layoff was a good one. Baldwin's conclusion that he could not obtain a better result from the GM Umpire was reasonable.

The legitimate complaints that Mitz raised in Grievance No. 542 with regard to Supervisor Walcott's behavior toward African-Americans were investigated by the Local Union Civil Rights Committee. Management was made aware of the inappropriate comments made by Walcott to Local Committeeperson Evelyn Shreve. The local parties must work vigilantly to identify and address such problems when they arise in the workplace. Even contract supervisors should be trained to avoid decisions based on race. In the instant case, however, Supervisor Walcott was no longer employed by GM when the Civil Rights Committee issued its report. Management agreed to abide by the provisions of Paragraph (6a) of the National Agreement. There was nothing more to be gained by pursuing Grievance No. 542. The fact that racial tensions have existed in the past and may recur is not the basis for any specific relief. It was rational, therefore, for the Local Union not to pursue Grievance No. 542 beyond the second step.

The decision of the IEB is affirmed.