

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

APPEAL OF:

MARK TURNER, Member
LOCAL UNION 1264, UAW
(Sterling Heights, Michigan)

Appellant

-vs-

CASE NO. 1733

REGION 1, UAW
(THE UNITED AUTOMOBILE, AEROSPACE
AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA),

Appellee.

DECISION

(Issued February 1, 2016)

PANEL SITTING: Prof. James J. Brudney, Chairperson,
Prof. Janice R. Bellace, Prof. Harry C.
Katz, and Prof. Maria L. Ontiveros.

Mark Turner argues that Regional Representative Elgert's decision to withdraw his grievances complaining about a hostile working environment and challenging his removal as Team Leader lacked a rational basis.

FACTS

In 2012, Mark Turner was classified as a Team Leader in the Shipping Checker Department at Chrysler's Sterling Stamping Plant. He had a seniority date of July 22, 1999. Bargaining unit employees at the Sterling plant are represented by UAW Local Union 1264.¹

On May 9, 2012, an employee in Turner's department complained that Turner had behaved in an intimidating manner. The employee reported that as he was loading a truck Turner began to shout profanities and tried to prevent employees from doing their assignments. Management prepared a report describing the incident. The

¹ Record, p. 14.

employee described the job assignments given to the workers on the loading dock and continued:

“...Joe Rysiewicz was done loading his trailers and began loading Fantow with the empty racks. That’s when Mark Turner exploded in a profanity laced assault. He yelled at the top of [his] lungs, Mother Fucker!!! Don’t you load him. If these mother fuckers!!! (referring to management) want more trailers, they’re going to have to get their own drivers to do that work, so you fucking stop now!!! Joe was stunned by Mr. Turner’s profanity. Stopped what he was doing. He was done loading trailers and no other trailers were ready to load. Mr. Hill showed up and I directed him to finish the loading. He continued his tirade, yelling, get the mother fuckin’ lazy fucker to do that work, referring to Mr. Hill, who had no idea what Mr. Turner was talking about. He just arrived with more material to ship. This is not the first time this has happened.”²

On August 30, 2012, Turner was issued a written warning for failure to follow instructions. The Supervisor’s report of the discipline described the incident that led to the discipline as follows:

“On August 30th, 2012, at approximately 12:30 pm, Mark Turner was given a list which detailed what parts need to be loaded and shipped out before the end of the day due to shortages at the assembly plants. The list was clearly explained to Mark. One of the shipments was not loaded correctly – a DS Floor pan, part #55372509AC. A full trailer load of parts needed to be shipped (5 racks), and only two racks of this part were loaded. The trailer was filled with another part #55112473AC (3 racks), which was not mentioned on the ship list. This disregard to instruction caused increased distress on the receiving plant by not getting the expected parts. This also created an additional burden on the following shift as they needed to ship this part out immediately upon starting their shift. It is requested that this written warning be added to Mark’s file as a reminder that parts need to be shipped out according to the supervisor’s instructions. The ramifications could have been a shut down because directions were not followed. This is a clear violation of Code of Conduct Rule #6.”³

On December 4, 2012, Turner filed Grievance 2012-0514 accusing management of creating a hostile work environment for him. Turner submitted the following statement in connection with this grievance:

“During a team leader committee process, I made a statement that was misinterpreted and taken out of context. Committee member then became

² Record, p. 9.

³ Record, p. 11.

aggressive and turned accuser and prosecutor. The next day same member became increasingly more frustrated. Why this person is so emotional, I do not know. It is very disturbing and intimidating. I am very concerned. This individual appears to be biased and incapable of fair and equal treatment.”⁴

Management responded to Turner’s grievance as follows:

“A meeting was held with the Local Joint Team Leader Selection Committee based on concerns of the team the grievant leads.⁵ The team is concerned that the Team Leader, the grievant, is not performing his Team Leader roles and responsibilities. During the interview with the committee, the grievant was evasive and placed blame on certain committee members. The grievant took no responsibility for his actions. No hostile environment exists or was created by any LJTLSC member. The grievance is denied.”⁶

On January 7, 2014, the JTLSC notified Local Union 1264 that Mark Turner had been removed as Team Leader and transferred back to his previous assignment.⁷ The union filed Grievance 2013-0023 protesting Turner’s removal from the Team Leader position. The grievance states:

“The union protests the unfair and unjust disqualification of employee Mark Turner. Employee Mark Turner was notified by the Joint Team Leader Selection Committee that he was being disqualified from his Team Leader position on January 4, 2013. The JTLSC informed Mr. Turner that he was being disqualified based on an investigation that concluded he didn’t work well with others, including his immediate team. But there was no concrete evidence presented to prove that he was not getting the job done from a performance standpoint. Thus, making his disqualification unfair and unjust.”⁸

Management responded to Turner’s grievance by stating that Turner was removed from the Team Leader’s position in accordance with the guidelines established by the UAW International Union and the Company.⁹ On February 22, 2013, JTLSC member Nicole Ferguson sent Local 1264 Committeeperson Raymond Pecoraro an email explaining the JTLSC’s decision to remove Mark Turner. It states:

⁴ Record, p. 15.

⁵ The Joint Team Leader Selection Committee (JTLSC) is a joint committee with two union members and two management members. (Record, p. 133.)

⁶ Record, p. 14.

⁷ Record, p. 17.

⁸ Record, p. 18.

⁹ Record, p. 18.

“An extensive investigation was conducted by the JTLSC regarding the potential removal of Team Leader Mark Turner. The investigation was concluded and the decision to remove Mark Turner was made. Effective Monday, January 7, 2013, Mark Turner was removed as a Team Leader and has returned back to his previous assignment.

Mark Turner has shown minimal leadership attributes, does not have a reasonable working relationship with his team, and he is not trusted by management.

Thank you – JTLSC – Dennis Haines, Sharon Jenkins, Art Mitchell, and Nicole Ferguson.”¹⁰

On March 23, 2013, Representative Pecoraro sent Ferguson an email requesting all documents used in making the determination to remove Turner from his Team Leader position, including any evaluations or corrective action.¹¹

The local union referred Turner’s two grievances to the fourth step of the grievance procedure on August 30, 2013.¹² On October 21, 2013, International Representative Jeffrey Elgert notified Local 1264 President Bob Stuglin that Turner’s grievances had been withdrawn following a fourth step meeting.¹³ Stuglin informed Turner of the disposition of his grievances on October 23, 2013.¹⁴ Turner appealed the decision to withdraw his grievances to the International Executive Board (IEB) on November 4, 2013.¹⁵ On March 19, 2014, in response to an inquiry from International President Bob King, Representative Elgert provided the following explanation for his decision to withdraw Turner’s grievances:

“Brother Turner was removed from his Team Leader position on January 4, 2013. Brother Turner was removed according to the JTLSC (Joint Team Leader Selection Committee) process for removing Team Leaders. Brother Turner was unhappy with the process and the removal of him as Team Leader. This is a joint program issue and not a violation of the collective bargaining agreement and not subject to the grievance procedure.”¹⁶

¹⁰ Record, p 24.

¹¹ Record, p. 26.

¹² Record, p. 47.

¹³ Record, p. 48.

¹⁴ Record, p. 49.

¹⁵ Record, p. 50.

¹⁶ Record, p. 60.

Acting on behalf of International President Dennis Williams, Bob Kinkade and John Rucker conducted a hearing on Turner's appeal on October 21, 2014. Attorney Seth Seidell appeared at the hearing as representative for Turner. Hearing officers Kinkade and Rucker prepared a report to the IEB based on documents in the record and testimony given at the hearing.

According to the hearing officers' report, Turner testified that he had to apply for the Team Leader position and received four evaluations during the 120-day period following his application. He has been a Team Leader for approximately one year. Turner asserted that the JTLSC made the decision to remove him without any deliberation. He reported that he had never received any written complaints about his performance as a team leader. He stated he believed he was targeted for removal based on jealousy and hostility rather than performance. He reported that he sought the assistance of his union steward and the company to address the hostile work environment in his department, but that they ignored his pleas.¹⁷

The hearing officers reported that Representative Elgert responded to Turner's complaint about a hostile work environment by referring to the company's response to Grievance 2012-0514. Elgert observed that Turner's meeting with the JTLSC was prompted by the two disciplinary actions in his record. Elgert stated that aside from Turner's meeting with the JTLSC, there was no evidence of any hostile work environment in Turner's department.¹⁸ In response to Grievance 2013-0023, protesting Turner's removal as Team Leader, Elgert stated that the issue raised by the grievance was governed by the joint team leader program and was therefore not an appropriate subject for review under the grievance procedure.¹⁹

Committeeperson Raymond Pecoraro testified that he did a full investigation into Turner's claims about a hostile work environment, but that there was nothing to support the charge. Pecoraro stated that he found no wrongdoing in connection with Turner's removal. Pecoraro noted that Turner had been removed from the Team Leader position once before, but that the local was successful in having him reinstated on the previous occasion.²⁰

Attorney Seidell introduced excerpts from the *Team Leader Selection Guide* into the record.²¹ The *Guide* describes the selection process for members of the JTLSC. It also contains a removal investigation form to be used to investigate a Team Leader for removal. The *Guide* provides a form for each member of the committee to complete in making a recommendation either to remove the leader or not to remove him or her.

¹⁷ Record, p. 100.

¹⁸ Record, pp. 101-102.

¹⁹ Record, p. 102.

²⁰ Record, p. 102.

²¹ Record, pp. 82, and 83-89.

Seidell argued that none of the steps recommended by the *Team Leader Selection Guide* were followed by the JTLSC in making the decision to remove Turner. Seidell pointed out that the JTLSC never discussed any performance issues with Turner or engaged in any of the steps outlined in their own guide for considering the removal of a Team Leader.²²

The hearing officers agreed with Representative Elgert's conclusion that Turner's removal as team leader was not a grievable matter. Their report states:

"Testimony from the union indicates this subject matter is not grievable. This process falls within the confines of the UAW-Chrysler Joint Programs and we agree; it is not grievable under the terms of the collective bargaining agreement. It would be to no avail to even consider reinstating a grievance that would be considered improper back into the grievance procedure."²³

With respect to Turner's complaint about the hostile work environment, the hearing officers concluded that Turner's entire case rested on his descriptive words for the situation, such as that he was being "targeted and mistreated" or that his removal was motivated by jealousy. The hearing officers stated that Turner failed to produce any circumstances to justify these descriptions.²⁴

Hearing officers Kinkade and Rucker found that Representative Elgert's handling of Turner's grievances was proper and not devoid of a rational basis. They found no evidence that the matter was improperly handled as a result of collusion with management, discrimination, or fraud. The hearing officers denied Turner's appeal. The IEB adopted the hearing officers' report as its decision. President Williams forwarded a copy of the IEB's decision to Mark Turner on May 4, 2015.²⁵ Turner appealed the IEB's decision to the Public Review Board (PRB) on June 4, 2015.

ARGUMENT

A. Mark Turner:

The decision to remove me as a Team Leader was made after I filed a grievance against Chrysler Labor Relations Representative Nicole Ferguson. Ferguson was also a member of the JTLSC and she participated in the decision to remove me. The filing of that grievance was my right under the collective bargaining agreement. The International Representative's unilateral decision not to pursue my grievance through to arbitration lacked a rational basis. Furthermore, the report of Representative Elgert's

²² Record, p. 90.

²³ Record, p. 103.

²⁴ Record, p. 103.

²⁵ Record, p. 93.

testimony by the hearing officers for the IEB does not accurately reflect what he said during the hearing. The IEB states that the decision to remove me was not a grievable issue. I disagree with that. The decision to remove me from the Team Leader position amounted to a demotion. It was therefore covered by the grievance procedure in the collective bargaining agreement.

B. International Union, UAW:

Turner has still not produced any evidence or described any actions that would support his claim that management created a hostile work environment in his department. Committeeperson Raymond Pecoraro conducted an investigation into this claim and found nothing to support it. There was no basis for further pursuit of Grievance 2012-0514 under the grievance procedure so International Representative Elgert withdrew it. Representative Elgert determined that Grievance 2013-0023 protesting Turner's removal as Team Leader did not contain a grievable issue.

In his appeal, Turner argues that his removal amounted to a demotion and was therefore grievable. Assuming that to be the case, there was still no showing of wrongdoing on the part of the JTLSC. The decision to remove Turner was within the discretion of the Committee. They reviewed the concerns raised about Turner's leadership abilities and made the decision to remove him. Therefore, Representative Elgert had a rational basis to withdraw Grievance 2013-0023 regardless of whether the grievance procedure applied to it.

C. Rebuttal by Attorney Seth Seidell on behalf of Mark Turner:

In order to become a Team Leader a member must be selected by the JTLSC and complete an evaluation period. In 2011, Mark Turner was selected to be a Team Leader. He passed all relevant stages of the 120-day evaluation period and became a Certified Team Leader. The Team Leader position required additional job duties and included an hourly rate increase of 50 cents per hour. The selection was a promotion from Turner's previous position as a checker.

On December 4, 2012, Turner filed a grievance against Labor Relations Representative Nicole Ferguson indicating that he believed she was creating a hostile work environment for him. Ferguson is also a member of the JTLSC. Approximately three weeks after filing the grievance against Ferguson, Turner was summoned by the JTLSC to discuss his misconduct as Team Leader. Turner was not aware prior to this meeting of any investigation into his performance as Team Leader. He was not given any opportunity to prepare for the meeting. Turner has never been given any documentary evidence regarding the basis for the JTLSC's decision to remove him. During the meeting attended by Turner, the JTLSC did not bring forward any member witnesses to corroborate the alleged complaints they had received about Turner's performance.

In January and February 2013, Local Committeepersons Warren Owens and Raymond Pecoraro requested information concerning the JTLSC's decision to remove Turner. Representative Ferguson responded with a very vague, limited, and evasive explanation for the decision. It does not appear that either Owens or Pecoraro made any further inquiries.

The union may withdraw a member's grievance for a variety of reasons, but there must be a reason. In this case, the lack of investigation by Turner's union representatives prevented them from making a good faith evaluation of Turner's case. Committeeperson Pecoraro and Representative Elgert went through the motions of processing a grievance without making any inquiry into the process for removing Team Leaders and the specific reasons why the JTLSC removed Turner. Had either of them pursued this avenue of investigation, they would have been able to advance Turner's argument that his removal was unfair and unjust. We have now obtained the *Team Leader Selection Guide Manual*. This was not made available to Turner during the grievance process. It would have advised Turner of his right to due process.

The *Guide* specifically states on page three that the removal process by the JTLSC does not replace or supersede the grievance procedure. Furthermore, the *Guide* states that prior to removing a Team Leader, a Group Leader, which apparently would have been Turner's direct supervisor, had to submit documentation to the JTLSC requesting his removal. There was no indication made to the union by the JTLSC that a Group Leader had requested an investigation into Turner's performance as Team Leader. It appears that JTLSC member Nicole Ferguson took it upon herself to conduct an investigation. We do not believe that she is Turner's Group Leader. We have now obtained Turner's entire personnel file. It does not contain any documentation that a Group Leader requested an investigation and possible removal of Turner as Team Leader. It does not show that Turner had received any performance evaluations as a Team Leader following his initial 120-day evaluation period. Any negative evaluations would have put Turner on notice that he was in jeopardy of losing his Team Leader position. Finally, the *Guide* indicates that disputes about the removal of a Team Leader should be referred to the LEPC Co-Chairs for final decision and removal.

The International Union states that Representative Pecoraro investigated Turner's complaint about the hostile work environment created by Ferguson, but he apparently took no notes in connection with that investigation. The only evidence of any investigation by Pecoraro is his correspondence by email with Ferguson. During the hearing on Turner's appeal, Pecoraro claimed that Turner was removed as a Team Leader once before. There is no evidence in Turner's personnel file of any prior removal. The union did not provide any evidence of a prior removal in the record of this appeal.

Neither Pecoraro nor Elgert advanced the argument that Representative Ferguson should not have participated in the decision to remove Turner. She was the person Turner filed a grievance against prior to his removal. She had an obvious bias against him and should not have been one of the decision makers in the JTLSC's

removal hearing against Turner. Neither Pecoraro nor Elgert made any attempt to demonstrate that Turner's removal violated the steps of progressive discipline in the local agreement.

Representative Elgert's decision not to pursue arbitration of Turner's grievance because it was a joint programs issue lacks merit. There existed persuasive arguments that could have been advanced in support of a grievance on Turner's behalf. The removal of Turner from the Team Leader position lowered his hourly rate of pay. It was clearly a change to his terms and conditions of employment and thus subject to the grievance procedure. In addition, there is ample evidence that the JTLSC violated its own rules and procedures in the process of removing Turner. Had the union representatives investigated the matter even minimally, they would have discovered that Turner's claim to have been unjustly removed had sufficient merit to move forward with arbitration.

DISCUSSION

Upon our initial review of this appeal, we concluded that the record raised a question about the scope of review due to a Team Leader who has been demoted back to team member. The record we received with this appeal included the *Team Leader Selection Guide* published by the DaimlerChrysler National Training Center (NTC) in 2004. This is the *Guide* that was in effect when Turner was removed from his position as Team Leader. The *Guide* describes the process to be followed when there is cause to believe a Team Leader should be removed after having completed the four-month evaluation period. It states as follows:

"F. TL Removal After Four-Month Evaluation Period

If special circumstances suggest cause(s) for TL removal after the four-month evaluation period, the GL will document the reason(s) in writing, and submit the actions(s) to the JTLSC for review and investigation using the JTLSC TL Investigation Form. The JTLSC will report the findings of the investigation to the LEPC Co-Chairs or their designees only if the JTLSC cannot agree on the result of the TL removal investigation. TL removal is the responsibility of the JTLSC. If there is a dispute within the JTLSC about the findings of the TL removal investigation, the JTLSC members will submit its findings to the LEPC Co-Chairs for final decision and removal."²⁶

Both the appellant and the International Union have cited this paragraph in support of their positions. The appellant argues that the parties failed to follow the procedure described in this paragraph when making the decision to remove him. The International Union maintains that this paragraph describes a joint decision making process that is

²⁶ Record, p. 136.

not subject to the grievance procedure. Although the Team Leader selection process is a jointly administered program, the *Team Leader Selection Guide* does not exclude issues arising in connection with the program from being addressed through the grievance procedure. On the contrary, the *Guide* specifically states that the removal process is not intended to replace or supersede the grievance procedure.

Following initial review of this appeal, therefore, we asked the International Union to clarify the contractual basis for Representative Elgert's determination that Turner's grievance was not an appropriate subject for resolution through the grievance procedure. International President Dennis Williams responded to our inquiry on November 10, 2015.²⁷ The materials provided by President Williams brought into focus the evolution of the Team Leader program since the NTC published the *Team Leader Selection Guide* in 2004. The Team Leader selection process described in the 2004 *Guide* referred unresolved issues to the Local Employee Participation Council (LEPC). There is no definition or description of the LEPC in the 2004 *Guide*. The LEPC was apparently a local joint committee comprised of representatives from Local Union 1264 and representatives of management at the Sterling Heights plant formed to address a variety of local issues. It was not an integral part of the Team Leader program.

The 2011 National Agreement between Chrysler Group LLC and the UAW enhanced the role of the Team Leader program at Chrysler plants and replaced the various local leadership programs with a uniform "World Class Employee Participation" operating system. President Williams provided a copy of a letter of understanding, identified as Letter (124) World Class Employee Participation, from the *Letters, Memoranda and Agreements, 2011 Production, Maintenance and Parts Agreement between Chrysler Group LLC and the UAW* describing this transition. The letter states:

"In furtherance of the UAW's vision for a more progressive world class partnership, and in order to support the important participative role described above and required of all, the parties agree that WCM shall replace and supersede all Employee Participation programs referenced in our collective bargaining agreements, i.e., PQI, WOM, SMART, JAOP, and MOA. Notwithstanding, in the interest of continuity, the parties agree to continue utilizing the current team based model with the understanding that the National World Class Partnership Council (NWCPC) established below may review aspects of the model such as the team leader selection and removal process for the purpose of closer alignment with WCM."²⁸

The letter goes on to state that each facility covered by the UAW-Chrysler Agreement will use a Local World Class Partnership Council (LWCPC) to promote joint implementation of the World Class Manufacturing (WCM) production system developed

²⁷ Record, pp. 173-194.

²⁸ Record, p. 184.

by the NTC.²⁹ Accordingly, the LEPC referred to in the 2004 *Guide* has now been replaced by a Local World Class Partnership Council (LWCPC). The team leadership program at Sterling Heights is now part of the WCM operating system. Letter (255) Team Member/Team Leader Classification Migration published in the 2011 Agreement describes the parties' intent to migrate all traditional non-skilled production employees to the team based structure. This letter indicates that in the future all rates of pay will be determined based on the team structure. It states:

“With the migration of the remaining traditional Non-Skilled employees to the Team Member or Team Leader rate, the local parties, where applicable, are required to expeditiously conclude the full deployment of the team based structure, in all direct and indirect production departments before the end of 2011.”³⁰

This letter goes on to describe elements that are required and fundamental to the team based environment. One of the listed elements is: “Established Team Leader Selection process and Team Leader evaluations.”³¹

It is clear from these letters that the team leadership program is essential to the organization of the non-skilled workforce at plants operating under the 2011 UAW-Chrysler Agreement. Therefore, despite its joint administration, it does not operate outside the reach of the grievance procedure. Issues involving the application of discipline or matters requiring contract interpretation may arise in connection with the team leadership program that would be appropriately addressed through the grievance procedure. However, the issue of an employee's qualification to be a Team Leader is beyond the power and authority of the Appeal Board established by the grievance procedure. The documents describing the Team Leader selection process give the JTLSC sole authority to determine the competence of any employee to hold the position of Team Leader. If there is a dispute among members of the JTLSC on a matter of Team Leader competence, the issue may be submitted to the LWCPC for final resolution. This is the full extent of review due to employees in regard to issues arising in connection with the selection or removal of team members. There is no right to an independent review of a decision by the JTLSC regarding a Team Leader's qualification to hold the position through the grievance procedure. The presence of the two union

²⁹ The NTC's website describes the WCM production system. It states:

“The NTC operates the World class Manufacturing (WCM) Academy in suburban Warren, Mich. The academy is a state-of-the-art facility, jointly administered by the UAW and FCA US, where workers learn about the WCM production system.

WCM is the driving force behind the manufacturing transformation that has propelled the company's dramatic turnaround by emphasizing worker involvement, increased productivity and improved vehicle quality.” (www.uaw-chrysler.com/about/ntc)

³⁰ Record, p. 187.

³¹ Record, p. 187.

representatives on the JTLSC protects Team Leaders against arbitrary deselection by management.

In this case, Turner has complained that the JTLSC did not produce any witnesses to corroborate the alleged complaints about his performance as Team Leader. He points out that there is no documentary evidence that his Group Leader (GL) or Business Unit Leader (BUL) raised a complaint about his performance with the JTLSC.³² In support of his appeal of the IEB's decision, Turner argues that his local representatives should have conducted a more thorough investigation to establish that his removal was unjust and unfair. He maintains that Representative Elgert should have pressed the argument that committee member Nicole Ferguson was biased against him because of the grievance he previously filed accusing her of creating a hostile work environment.

There was no substance to Turner's complaint about the hostile working environment, and Representative Elgert's decision to withdraw Turner's grievance on that subject was clearly rational. The only basis for Turner's complaint against Nicole Ferguson is his assertion that she "became aggressive and turned accuser and prosecutor" during her interview with Turner to investigate complaints about his performance as Team Leader. Turner's grievance does not describe the kind of severe recurring harassment that constitutes a hostile working environment. Ferguson's interrogation of Turner did not constitute harassment; this was Turner's opportunity to reassure the JTLSC about his competence as a Team Leader and to explain the circumstances that may have prompted the complaints against him. Instead, by his own account, he became belligerent and combative during the interview and threatened to post derogatory information about the company's dock operations on the internet.³³ Turner's behavior during this meeting no doubt influenced Committeeperson Ferguson's decision with respect to his continued performance as Team Leader, but only because his behavior was so very much at odds with the values inherent in the WCM production system.

³² After 2011, the reference to the Group Leader (GL) in the paragraph describing removal of a Team Leader after the 4-Month Evaluation period was changed to Unit Leader/Business Unit Leader (UL/BUL) and the reference to LEPC was changed to LWPC. (2014 Syllabus, *JTLSC Training*, p. 30)

³³ Turner described his meeting with Ferguson in an email addressed to shawnfitter. He subsequently forwarded this email to Representative Pecoraro. It states:

"3 days after my foreman quits, I get called up to Labor. JTLSC says they got a complaint from team members. They have to investigate. I ask, about what? They say I cause confusion. I ask, can they be more specific? They say I'm not getting trailers stripped and loaded. I tell them that we do too many trailers and finish too early for that to make sense. Nicole asks about morning meetings. I say we don't do those. She gets aggressive. Art tells her twice the docks don't do those. I mention that I keep a lot of notes about management not supporting dock operations, so many that I digitized them into a link. The word link set her off and she gets really aggressive about company policy and becomes intimidating." (Record, p. 20)

The Team Leader selection and removal process established by the parties at Chrysler operations does not require the JTLSC members to produce evidence in support of their conclusion that a Team Leader should be removed. In fact, a syllabus developed by the NTC in 2014 for a six-hour JTLSC training course explains that the Committee's deliberations are meant to be confidential. The syllabus states:

"The TL Selection Process is one that depends on the honesty and integrity of the JTLSC. The JTLSC must remain fair, equitable, and objective. The only way to achieve this level of credibility is to be sure to not disclose any information regarding the TL Selection Process. This includes the 4-Month Evaluation results, as well as any proceedings or results from a JTLSC investigation into TL removal."³⁴

In response to our inquiry about the process followed in this case, President Williams provided some of the statements submitted in connection with the JTLSC's investigation into complaints about Turner's deficiencies as a Team Leader.³⁵ As a general rule, however, these materials would be kept confidential. They were not made part of the record in connection with Turner's appeal to the IEB and we will not make any further comment about them here. The statement provided to Committee person Pecoraro on February 22, 2013, adopted by all four members of the JTLSC,³⁶ is the only report required regarding the committee's deliberations prior to their decision to remove Turner. The syllabus for the 2014 training course reveals that prospective JTLSC members are carefully vetted and trained for their role in administering the Team Leader program. The statement about the confidentiality of the committee's deliberations illustrates that the parties rely on this selection and training process to protect Team Leaders from arbitrary decisions based on petty dislikes or prejudice linked to such factors as race, national origin or religious affiliation. If such influences did affect a committee member's decision, the other members of the committee have recourse to the LWPCP. In that case, a report would be prepared for the LWPCP. The selection guide explicitly states that a report is only required if the JTLSC cannot agree on the result of a TL removal investigation. The decision of the JTLSC was unanimous in this case, so no report was required.

The parties to the national agreement, working jointly through the NTC, have developed an extensive program for training union and management representatives to evaluate and train Team Leaders as well as to investigate circumstances that warrant the removal of a Team Leader. There is sufficient protection against arbitrary or improperly motivated decisions built into the Team Leader selection process to make access to the grievance procedure unnecessary. In the extraordinary event that this program was corrupted at any location so that it ceased to reflect the values of fairness,

³⁴ 2014 Syllabus, *JTLSC Training*, p. 56.

³⁵ Record, pp. 189-194.

³⁶ Dennis Haines, Sharon Jenkins, Art Mitchell, and Nicole Ferguson.

equity, and objectivity promulgated in the JTLSC training program, the union would have recourse to review by the NWCPD at the national level to bring the program in closer alignment with the objectives of World Class Manufacturing. The record demonstrates that the review process put in place by the parties was followed prior to the removal of Mark Turner from the position of Team Leader. Therefore, Representative Elgert properly concluded that any further review of the matter was beyond the scope of the Appeal Board's authority. His decision to withdraw Turner's grievance was rational based on that conclusion.

The decision of the IEB is affirmed.