

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

RULES OF PROCEDURE

Effective October 22, 2021

The following rules are put into effect by the Public Review Board (PRB) pursuant to the authority contained in Article 32, Section 6, and Article 33, Section 3(f), of the 2018 edition of the Constitution of the International Union, UAW. Their purpose is to make the services of the PRB available to those within its jurisdiction in a way that is orderly, as prompt as justice will permit, and fair to all. Any questions concerning these rules or other matters are invited, by letter to the PRB office, located at 39111 Six Mile Road, Livonia, Michigan 48152; Telephone: 734.454.9911; Fax: 734.454.9905; or email: info@prbuaw.org.

1. Appeals

Every Notice of Appeal to the Public Review Board shall be signed by the member or members appealing and filed with the International President, pursuant to the requirements of Article 33, Section 3(f) of the Constitution, at Solidarity House, 8000 E. Jefferson Avenue, Detroit, Michigan 48214-2699. The appeal shall be accompanied by a Statement of Reasons for Appeal as required by Article 33, Section 4(a) of the Constitution, and shall include all of the arguments upon which the appellant will rely in disagreement with the decision of the International Executive Board (IEB). At the same time, the appellant may file a courtesy copy of the appeal with the office of the PRB.

2. Notification of Pending Appeal

(a) Upon receipt of a timely Notice of Appeal and Statement of Reasons for Appeal, the PRB will assign a Case number to the appeal and issue a Notification of Pending Appeal. A copy of the Notification of Pending Appeal and of these Rules of Procedure will then be sent to all of the parties.

(b) Where it appears that the interests of other persons may be affected by an appeal, the Local Recording Secretary will be requested by the PRB to furnish those persons with copies of the Notification of Pending Appeal, these Rules of Procedure, and the Statement of Reasons for Appeal so they may be aware of the appeal, and, if they wish, request to participate in the appeal proceedings. In the event, that the interests of a large number of members could be affected, the Recording Secretary may request permission to provide notice of the pendency of the appeal in the Local Union newspaper or other media.

3. Answer to Statement of Reasons for Appeal

(a) An Answer to the Statement of Reasons for Appeal shall be filed by the International Union and may be filed by any other party or interested person. The Answer must be responsive to each material argument advanced by appellant(s) in the Statement of Reasons for Appeal; provided however, where objection is to be made to PRB jurisdiction to consider the appeal, a Special Answer may be filed limited to a discussion of the jurisdictional issue; and provided further, upon a decision of the PRB to assume jurisdiction, or at its specific request in lieu of such a decision, an Answer responsive to the material arguments raised in the Statement of Reasons for Appeal shall be filed.

(b) All Answers shall be filed with the PRB within 15 days after receipt of the Notification of Pending Appeal. Where an additional Answer may be required following submission of a Special Answer, this shall be filed within 15 days after receipt of PRB request. These time limits may be extended upon written or oral request submitted prior to the deadline for filing.

(c) The appellant may, but is not required, file a written response to the International Union's Answer. The Local Union or any other interested party may also comment if it wishes. Any such response should be filed within 15 days of receipt of the International's Answer. If required, an extension of time will normally be granted.

4. The Record

(a) At the time the International Union files its Answer it shall forward to the PRB a complete set of all of the written documents that have been submitted in connection with the case, including all correspondence, briefs or written arguments, minutes, transcripts and exhibits submitted by the parties at the local union level or during the International Union proceedings.

(b) The PRB may designate a member of its staff to review the documents submitted to it by the International Union to determine their relevance to the issues presented by the appeal. Relevant documents will be included in the Official Record of the Case number assigned in accordance with Rule 2(a). In the case of grievance and related appeals, only documents relevant to the issues defined in Article 33, §4(i), of the Constitution will be included in the Official Record. Because proceedings before the PRB are appellate rather than evidentiary, large exhibits such as overtime records, and employee plant histories will generally not be included in the Official Record. Where such exhibits have been submitted, the parties will be asked to summarize the information contained in them and to explain what relevance that information has to the issues presented by the appeal. A copy of the Official Record will be supplied by the PRB to each party.

(c) Even though they may not actually be included in the documents forwarded by the International Union, the record shall automatically be deemed to

include all relevant portions of applicable collective bargaining agreements, the International Constitution and its formal IEB interpretations, the Union's Ethical Practices Codes, local union bylaws, PRB Decisions, and arbitration, agency or court decisions relied upon by any party. At the PRB's request, the party relying upon any of these documents shall furnish copies to the Board for inclusion in the record.

(d) In the event that the number of appellants in any appeal exceeds two, appellants will be requested to designate one of their number to receive appellants' copy of the record and all correspondence relating to the appeal. Persons opting to participate in an appeal pursuant to Rule 2 shall be provided with access to the Local Union's copy of the Record, and correspondence.

(e) It shall be the duty of each party receiving the Record to notify the PRB in writing within 15 days after its receipt of any deficiency in the Record, and when possible to supply any missing documents. Documents submitted after the official record has been distributed should be sent to all the parties for review. If any party objects to the inclusion of such documents in the record, the Board will consider such objection when it undertakes its initial consideration of the appeal. If no objection to the additional material is received within 15 days of the submission, the PRB will review the documents to determine if they are relevant to the issues presented by the appeal. Relevant documents will be incorporated in the Record and paginated copies will be sent to all of the parties.

(f) Audio or video tapes or materials downloaded from the Internet that have not been prepared by a certified court reporter will not be included in the record.

5. Change or Error of Address

During the pendency of the appeal, it shall be the responsibility of each party notified of a pending appeal under Rule 1 to inform the Board immediately in writing of any change or error in address.

6. Time, Place and Notice of Oral Argument

(a) The PRB may, in its discretion, determine that no hearing is necessary to a decision in a given case. Any party may request oral argument before the Board. Such request should be made by not later than 15 days after receipt of the record. It shall be within the PRB's discretion, in light of the circumstances, to grant or deny the request. In the event a request for oral argument is denied, the parties will be notified and invited to make a further written submission which, if submitted, will be taken into consideration by the members of the PRB in making their decision. In the absence of a request for oral argument, the members of the PRB may ask the parties to present oral argument where they deem it necessary to the just and correct resolution of the appeal.

(b) The Chairperson of the PRB shall designate the time and place of hearing under the standards set forth in Article 32, Section 6, and Article 33, Section 4(h), of the 2002 Constitution.

(c) Written notice of such time and place shall be transmitted to all parties at least ten days in advance of the hearing, except where such notice is waived by the parties.

(d) Unless otherwise stated in the Notice of Hearing, appellants and appellees will be limited to 40 minutes each in which to present their respective arguments. The time allotted each party will include time spent answering the panel's questions, except when the questions are put after the expiration of time allotted.

(e) Appellants and appellees may each designate one or more spokespersons to present argument on their behalf; however, except with the consent of all parties, no testimony not previously submitted at the local union or IEB level of the appeals procedure or documentary evidence may be offered unless previously authorized pursuant to Rule 10 of these Rules.

(f) Unless prior permission is sought from and granted by the PRB, the only persons who shall be permitted to attend oral argument proceedings are members of the UAW, their immediate family, or the parties' spokesperson(s) or counsel.

(g) No video or audio transcription of oral argument shall be permitted.

(h) Where the situs of oral argument is more than 100 miles from a party's residence, the PRB shall reimburse such party for his/her out-of-pocket expenses, not including lost wages, incurred in connection with his/her attendance at oral argument.

(i) In the event that a party requesting oral argument fails without good cause to appear at the designated time and place, the PRB may, in its discretion, dismiss the appeal.

7. Designation of Board Panel

The Chairperson of the PRB may designate a panel of PRB members to consider each case, numbering from three members to the full membership of the PRB, and may designate a chairperson of the panel.

8. Decision of the Public Review Board Panel

The decision of the PRB Panel in a particular case shall be by majority vote of the panel considering it and shall constitute the decision of the entire PRB. The decision shall be reduced to writing and copies sent to all parties. In addition, **the PRB's decision will be posted in its entirety** on the PRB's website at <https://prbuaw.org> **14 days** after the date of issuance. Absent extraordinary

circumstances, requests to withhold publication of the Board's decision to the website will generally be denied.

9. Motions

Any party during the pendency of the appeal before the PRB may file a motion to require a specific action. Copies of the motion shall be transmitted to the other parties who may, but shall not be required to, file a response. Motions shall be decided by the Board without oral argument, unless otherwise indicated.

10. Additional Evidence

Because PRB proceedings are appellate in nature, additional evidence, that is, evidence that was not presented to the local union or the International Executive Board, will not ordinarily be received by the PRB. Except for good cause shown, as determined by the PRB, or with the consent of all parties, evidence not included in the documents transmitted to the PRB by the International Union may be presented only in the following situations:

(a) Where the evidence was submitted at the local union level or the International Executive Board level but was not included in the record transmitted by the International Executive Board to the PRB.

(b) Where authorized by the Chairperson of the panel of the PRB or offered and received without objection by any other party on the basis of a written request filed with the PRB. A request to present additional documentary evidence or testimony shall set forth:

- (1) Persuasive reasons for presenting such evidence and for not having presented it at prior proceedings in the case.
- (2) A description of the evidence to be offered.
- (3) The names of all witnesses whose testimony is desired to be presented; and,
- (4) The anticipated testimony of each of these witnesses.

(c) Where required by the PRB in order to inform itself adequately to enable it to reach a just decision.

Whenever such presentation of evidence is authorized, it must be received by the PRB, prior to its initial consideration of the appeal or, where so directed, by a PRB-appointed hearing officer upon such terms as are prescribed for the particular case. Except with the consent of all parties, additional documentary evidence may not be presented by any party during oral argument before a panel of the PRB.

11. Request for Reconsideration

Within 30 days following receipt of a decision by the PRB, any party may file a written request for reconsideration. The request shall be accompanied by a Statement of Reasons for Reconsideration which identifies specifically errors of material fact or erroneous conclusions set forth in the PRB's written decision. Evidence in support of the request must have been received by the PRB prior to its initial consideration of the appeal, or as prescribed by Paragraph 10 of these Rules. Once the Statement of Reasons for Reconsideration is received by the PRB, copies of the Statement shall be transmitted to the other parties, who may, but shall not be required to, file a response. The PRB shall provide a written response to the request for reconsideration setting forth its reasons for granting or denying the request. There shall be no further consideration of the matter by the PRB. An individual or body is not required to submit a request for reconsideration to the PRB in order to exhaust fully the individual's or body's internal union remedies as required by Article 33, Section 5, of the Constitution.

12. Rules to be Liberally Construed and May be Modified

These rules shall be liberally construed to effectuate the purposes of the PRB, and the PRB may in its discretion modify, waive, or supplement any of these rules in any particular case, but only to the extent necessary to accomplish the purposes for which the PRB was established.