

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

APPEAL OF:

JENA LATIF, Member,  
UAW LOCAL UNION 685  
(Kokomo, Indiana), REGION 2B,

Appellant,

-vs-

**CASE NO. 1855**

UAW STELLANTIS DEPARTMENT  
(THE UNITED AUTOMOBILE,  
AEROSPACE AND AGRICULTURAL  
IMPLEMENT WORKERS OF AMERICA),

Appellee.

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**DECISION**

(Issued June 3, 2022)

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

The Board addresses whether the International Representative had a rational basis for reaching a settlement returning Appellant to work under a conditional reinstatement agreement without back pay.

**FACTS**

Appellant Jenā Latif was employed by Stellantis (formerly FCA US LLC) at a facility in Kokomo, Indiana. She is represented by UAW Local Union 685. Her seniority date is June 19, 1995.<sup>1</sup> During the period relevant to this appeal, Latif worked as a receiving clerk, responsible for processing shipments of parts to the plant.

At some point, Latif was selected as a Team Leader. In 2014, while serving as a Team Leader, she filed harassment charges against a supervisor.<sup>2</sup> In June 2014, Latif heard from a co-worker that a different supervisor had referred to her as a “ni\*\*er.”<sup>3</sup> Latif

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<sup>1</sup> Record, p. 330.

<sup>2</sup> Record, p. 40.

<sup>3</sup> Record, p. 41.

complained to Management and the supervisor was moved to another facility. In May 2015, Latif was removed from her position as a Team Leader.<sup>4</sup> She requested that her Local file a grievance requesting her reinstatement to the Team Leader position, but initially the Local declined to initiate a grievance. Latif filed a charge with the National Labor Relations Board (NLRB) claiming that the Union violated its duty of fair representation by refusing to pursue a grievance regarding her removal as a Team Leader.<sup>5</sup>

In July, September, and October of 2015, the Company cited Latif for “careless work.”<sup>6</sup> The second instance resulted on a one-day suspension and the third instance led to a three-day suspension.<sup>7</sup> The Union subsequently succeeded in getting the discipline reversed through the grievance process.<sup>8</sup>

On May 12, 2016, the Local finally filed a grievance requesting Latif’s reinstatement as a Team Leader. However, the grievance was withdrawn at the fourth step after the Company refused to reverse its decision. The letter advising Latif of the withdrawal explained that “the Appeal Board has no authority in this case.”<sup>9</sup> On June 29, 2016, the NLRB dismissed Latif’s duty of fair representation complaint. The Agency found:

“ . . . the evidence demonstrates that your removal from a team leader position was the result of the joint labor-management committee’s decision after the Union had successfully persuaded the Employer to give you significant additional time to learn the team leader job, and this additional time proved unfruitful.”<sup>10</sup>

In March 2017, Team Leader Beth Elbert and Supervisor Manuel Rangel made written statements claiming that Latif performed poorly in her position and initiated contentious interactions with co-workers. Elbert recounted that Latif had accused her of taking paperwork and called Elbert a liar when she denied doing so.<sup>11</sup> Rangel cited several instances in which Latif accused co-workers of undermining her. He concluded:

“Jena puts the blame on her short comings on everyone else because she doesn’t want to admit that she is in over her head in her receiving position. I don’t feel that [the] receiving position is a best fit for Jena and the evidence on her job performance is mounting up and will result in future write ups.”<sup>12</sup>

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<sup>4</sup> Record, p. 41.

<sup>5</sup> Record, p. 93.

<sup>6</sup> Record, p. 11.

<sup>7</sup> Record, p. 95.

<sup>8</sup> Record, p. 11.

<sup>9</sup> Record, p. 56.

<sup>10</sup> Record, p. 93.

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

<sup>12</sup> Record, p. 13.

In April, May, and December of 2017, the Company issued discipline to Latif for “failure to put forth normal effort on the job.”<sup>13</sup> The Company claimed that she had failed to follow the proper procedures for checking in shipments to the plant.<sup>14</sup>

Latif’s difficulties in the workplace continued. Dawn Sladinski, head of the Production Control Department, held a meeting with Latif on February 2, 2018.<sup>15</sup> Latif claims that Sladinski used abusive and offensive language toward her in the meeting. Latif’s steward advised that she should make a written statement regarding Sladinski’s conduct. Latif prepared a statement and gave it to her steward on March 6, 2018.<sup>16</sup>

On March 8, 2018, Latif was disciplined again for “failure to put forth normal effort” with respect to her processing of a shipment of parts.<sup>17</sup> She was issued a three-day suspension.<sup>18</sup> The Company issued additional discipline on March 30, 2018 in the form of a thirty-day suspension for “failure to exert normal effort.”<sup>19</sup> In the disciplinary notice, supervisor Manuel Rangel described the infraction as follows:

“(This information was giving to me on 3/19/2018 and that’s when I started my investigation; Copy A) On 2/22/2018 an expedite arrived @ ITP-1 on the South Dock. Jena Latif had signed for 655aa and 504aa and stamped them received on Feb 22 2018 (Copy B ). Jena failed to receive these parts into the “Mainframe System” causing cycle count to have gains and losses (+\$2859.86 and -\$1610.37). Cycle counter had to recount 3 times to see why there were discrepancies in our counts. Process in place to avoid vendor discrepancies, but we wouldn’t know because the parts were not received in when they were supposed to be. This is what happens when you (Jena) fail to receive parts in.”<sup>20</sup>

Finally, the Company terminated Latif on May 10, 2018, claiming that she again “failed to exert normal effort on the job.”<sup>21</sup> Management alleged:

“Jena marked paperwork as received on 4/26/2018. The paperwork was not received until 4/30/2018. Jena did not follow proper procedure leaving parts not received in for 4 days.”<sup>22</sup>

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<sup>13</sup> Record, p. 11.

<sup>14</sup> Record, p. 91.

<sup>15</sup> Record, p. 42.

<sup>16</sup> Record, pp. 42, 73-82.

<sup>17</sup> Record, p. 11.

<sup>18</sup> Record, p. 95.

<sup>19</sup> Record, pp. 14, 95.

<sup>20</sup> Record, p. 14.

<sup>21</sup> Record, pp. 17, 18.

<sup>22</sup> Record, p. 17.

The Local immediately protested the discharge and filed a grievance. Management denied the grievance at the initial stages asserting that the progressive discipline process had been applied correctly.<sup>23</sup>

The Local Committeeperson, John Cowsert, forwarded the grievance to Region 2B for handling at the Fourth Step. In his report on the grievance to the Local President, Cowsert explained:

“Rick she needs brought back to work but I feel [Production Control] is not a good fit for her if she stays in this department management will be on her for everything she does I have tried to tell her this but she just does not listen I have two more grievances for the same issues where does not receive the trucks in and its creating all kinds of issues I have even had the coach for [Production Control] Kim Isham work with her and she can't get through to Jena she wants to do things her way and all it's doing is getting her deeper in the progressive discipline procedure to where she is now. I had management to agree not to give her 30 days out if she would just step down from the receiving job I took Jena to the other office and told what was offered and she would not agree to this I told Jena the times that she not on the job and others fill in on it they have no issues and it was getting hard for me to prove all this she still was not having it so they served the 30 day DLO to her. Jena comes back from being off a week later now she is being terminated for the same issues in Jena's mind she is doing nothing wrong but the paperwork keeps piling up on her she is quick to throw others under the bus and wants them disciplined I told [her] I don't discipline employee's management does and we are not up here on them just her but she keeps bringing it up. Rick I have done everything I can to help her had her trained on several job's months at a time I just can't get through to her. Now I think she understands and is willing to be moved but I can tell you it can't be this plant.”<sup>24</sup>

The grievance was not resolved at the Fourth Step. Accordingly, Region 2B sent the matter to the Appeal Board.

At the Appeal Board level, International Representative Steve Stahl assumed responsibility for the grievance. Stahl contacted Cowsert to obtain further information regarding the grievance.<sup>25</sup> He confirmed with Cowsert that the Local was not pursuing any other open grievances filed on Latif's behalf or a civil rights complaint. Stahl also reached out to Latif.<sup>26</sup> According to Stahl, Latif insisted in their initial conversation that everyone was out to get her but was unable to provide specific information. After several

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<sup>23</sup> Record, pp. 22-23.

<sup>24</sup> Record, pp. 24-25.

<sup>25</sup> Record, p. 121.

<sup>26</sup> Record, p. 121. Appellant has provided her own notes regarding her conversations with Stahl. Record, pp. 48-50. Her version of their conversations does not vary significantly from Stahl's account.

other telephone conversations, Stahl and Latif met in person on February 25, 2019.<sup>27</sup> Stahl advised that the Company was willing to reinstate Latif to another position and without back pay. With respect to the incident which led to her termination, Latif insisted that someone had taken the paperwork and returned it four days later.<sup>28</sup> She also insisted that other employees made similar errors for which they were not disciplined.

Stahl followed up with Cowsert. Cowsert advised that other employees in Latif's position following her termination had not experienced paperwork issues like those for which Latif was disciplined. He explained that: "Even the temporary employees on this job have no issues with missing parts, or late paperwork."<sup>29</sup>

On March 19, 2019, the Company made a settlement offer to return Latif to work in a different position and without back pay.<sup>30</sup> (30, 122) Stahl again tried to advocate for back pay. The Company again refused, responding that Latif did not tell anyone at the time that paperwork had been stolen from her.

Stahl spoke with Latif again and explained that he lacked evidence to substantiate her claim that paperwork had been stolen.<sup>31</sup> He also explained that the other discipline leading to her discharge could not be removed. Latif rejected the settlement offer. She advised that another member, Kenny Holland, could provide information helpful to her. Cowsert contacted Holland, but Holland said that he did not have any information to assist Latif.<sup>32</sup>

Stahl continued to talk with Company representatives over the next several months regarding the grievance.<sup>33</sup> They told him that other employees continued to perform Latif's former position without committing similar errors. The Company again offered to reinstate Latif without back pay. Stahl accepted the offer on September 23, 2020.<sup>34</sup> Latif was notified regarding the settlement by certified letter received on October 23, 2020.<sup>35</sup>

On November 6, 2020, Latif met with the President of Local 685, Matt Jarvis.<sup>36</sup> She presented Jarvis with a written statement from a co-worker, Cindy Tomes. The statement was dated June 16, 2020. Tomes stated:

"I observed Supervisor Brent Shilder take receiving documents (packing slips from the red cabinet). He looked around to see if anyone was watching. Then he removed the papers from the red cabinet and left.

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<sup>27</sup> Record, p. 122.

<sup>28</sup> Record, p. 122.

<sup>29</sup> Record, p. 122.

<sup>30</sup> Record, pp. 30, 122.

<sup>31</sup> Record, pp. 122-123.

<sup>32</sup> Record, p. 123.

<sup>33</sup> Record, p. 123.

<sup>34</sup> Record, pp. 34, 123.

<sup>35</sup> Record, pp. 35, 123.

<sup>36</sup> Record, p. 123.

I know Jena has to enter these documents into the computer and then file in the team leaders office.

So I thought it was odd for them to be removed from the cabinet. She is held accountable for this paperwork. People had been giving her a hard time for quite some time. She has always been th[orough] with her work."<sup>37</sup>

The Local contacted Stahl and advised him regarding the statement provided by Latif.<sup>38</sup> Stahl indicated that he had never seen the statement previously. Stahl called Cowser who also indicated that he was previously unaware of the statement. Stahl then called Latif and asked why the statement was not provided before her case was resolved. According to Stahl, Latif said that she had received the statement over the summer but only now had the time to drop it off at the Local.<sup>39</sup> Latif explained that Tomes had not come forward earlier because she had lost Latif's phone number and only found it shortly before the statement was prepared. Stahl told Latif that her case was settled and could not be reopened.

Next, Latif appealed the settlement of her termination grievance to the International Executive Board (IEB).<sup>40</sup> She argued that she was unjustly terminated because other employees in her position made errors similar to those attributed to her and were not disciplined. She also asserted that the paperwork at issue in the incident which triggered her termination had been removed and then returned by her supervisor in order to sabotage her employment. Latif cited the Tomes statement in support of this claim. Latif asserted that the Company's actions against her were attributable to discriminatory animus against her as a Black woman and in retaliation for her prior complaints regarding racial harassment. Latif provided voluminous documentation primarily intended to show that other employees routinely made errors similar to those which led to her discharge.<sup>41</sup>

Administrative Assistant to the President Casandra Shortridge conducted a hearing on Latif's appeal on August 18, 2021. Latif was present, along with her husband and brother. Stahl and Cowser were also in attendance, as well as representatives from Region 2B. At the hearing, Appellant Latif argued that the issues which she raised regarding events from 2014 up to the time of her termination in 2018 demonstrated that she was subjected to racial harassment and discrimination.<sup>42</sup> She argued that the

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<sup>37</sup> Record, p. 71.

<sup>38</sup> Record, p. 123.

<sup>39</sup> Record, p. 123.

<sup>40</sup> Record, pp. 38-44.

<sup>41</sup> Record, pp. 48-115, 145-239. Latif also submitted to the International Union several audio recordings that she had made of conversations with Management and Union representatives. Record, pp. 240-241. Administrative Assistant Casandra Shortridge advised that Latif would need to provide a transcription of the recordings in order for them to be considered as part of her IEB appeal. Record, p. 242. Latif used an on-line computer software program in order to transcribe the recordings herself and she added text identifying the various speakers, as well as her own commentary on events. Record, pp. 243-327. The PRB generally does not consider audio evidence unless prepared by a certified court reporter. See PRB Rule of Procedure 4(f).

<sup>42</sup> Record, p. 334.

Company's disciplinary actions against her were a result of the discriminatory animus against her.

During the hearing, Stahl testified regarding his handling of the grievance.<sup>43</sup> He explained that he had contacted Local representatives prior to initiating discussions with the Company regarding Latif's termination grievance. He was advised that any active grievances were not considered to be meritorious. Stahl also explained that he contacted the Local Civil Rights Committee and was told that there were no outstanding discrimination claims raised by Appellant. However, his investigation did show that Local representatives believed that they had an agreement with the Company that Latif would be moved to another position after she returned from her 30-day suspension, but the Company terminated her without honoring that agreement. Stahl asserted that he questioned the Company repeatedly as to whether other employees had made errors similar to those leading to Latif's discharge but was assured that there were no issues with her replacements. Stahl's investigation did not uncover any evidence to refute the Company's claim that Appellant had failed to perform her job correctly. As of the date of the hearing, Stahl indicated that the Company had not withdrawn the terms of the settlement offer and that, if Appellant were willing to accept the terms, he would re-engage in discussions with the Company.<sup>44</sup>

During the hearing, Appellant provided certain documentation, claiming that it showed errors made by other receiving clerks who were not disciplined.<sup>45</sup> Stahl indicated at the hearing that he could not recall whether he had previously reviewed the documents presented by Appellant. Accordingly, Stahl was instructed to review the documents in question after the hearing and report back on his findings.<sup>46</sup> In his follow-up report, Stahl indicated that he had reviewed all of Appellant's documentation, some of which was previously provided to him. He also discussed the documents with plant Management and Local members.<sup>47</sup> He concluded:

“. . . although I am not a logistics expert, I do find that the company and hourly employees working in this area have a very good understanding of what these documents mean and were very consistent in their explanations of why they did not disprove the company's reasons for issuing discipline.”<sup>48</sup>

Based upon the hearing evidence and Stahl's follow-up investigation, the IEB decided to deny the appeal. The IEB decision concluded:

“The UAW International Executive Board (“IEB”) takes all claims of harassment and discrimination very seriously. We strongly believe in fostering a workplace that is free from intimidation, retaliation, and

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<sup>43</sup> Record, pp. 334-336.

<sup>44</sup> Record, p. 340.

<sup>45</sup> Record, p. 336.

<sup>46</sup> Record, p. 336.

<sup>47</sup> Record, pp. 127-129.

<sup>48</sup> Record, p. 129.

harassment of any kind. We equally take seriously our duty to represent our members and to protect them against unjust discharge. The facts in some termination cases will not permit an arguable defense in arbitration. Stahl surmised it was unlikely that he would have received a different outcome before an arbitrator.”<sup>49</sup>

Dissatisfied with the IEB’s decision, Latif initiated this appeal to the Public Review Board (“PRB”).

## ARGUMENT

### **A. Jenā Latif:**

I filed an appeal with UAW International Union in order to review my Grievance No. 118-0296 and re-open it for proper investigation. Representative Stahl rushed and closed the grievance without due investigation.

On March 20, 2018, I was brought into a meeting, with Committeeperson John Cowsert, Department Head Dawn Sladinski, and Supervisor Manuel Rangel for allegedly not entering a part into the system 30 days earlier. I received 30 days on disciplinary layoff, which is the fifth step in the Progressive Discipline Process. When I returned to work on April 19, 2018, I provided Committeeperson Cowsert with documentation proving that I had entered the packing slip and had received a confirmation from the system with the “URL number 1255423” showing the action had been completed by me on February 22, 2018.<sup>50</sup> Nevertheless, the 30-day discipline was never removed from my record and was used as progressive discipline to fire me. What was the rational basis for that decision?

On May 10, 2018, my supervisor Brent Shidler walked me to Human Resources. Joe Martino from Human Resources and Committeeperson Cowsert were in the office. I was never counseled or given an opportunity to prepare for the meeting. First, they claimed that I did not separate some parts, but I informed them that it was not my job responsibility. Then, Shidler brought up a packing slip that was not entered into the system for four days. I received no representation from Cowsert and was never prepared for the meeting. At that point, I was told that I would be separated from the Company.

After two years, Cindy Tomes who is a Production Control Worker called me. She had lost my phone number but had recently found it. She brought up that she had witnessed Shidler take a packing slip from my work area.<sup>51</sup> This was the only packing slip that had been missing, but then resurfaced and ended up being put in the system four days late.

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<sup>49</sup> Record, p. 340.

<sup>50</sup> Record, pp. 513-515.

<sup>51</sup> Record, p. 519.



On March 18, 2019, I met with International Representative Stahl at the UAW Training Center in Kokomo Indiana. Stahl said he was going to investigate my grievance. He said that the Company was going to have to show him who else was disciplined and held to the same standard that I was. But Stahl never provided such documentation, nor did it exist. Therefore, in the decision rendered by the IEB no evidence was provided that I was not targeted and subjected to discrimination. There is no evidence of any other employee who was disciplined and held to the same standard as me.

At the hearing with Administrative Assistant Cassandra Shortridge on August 18, 2021, Stahl claimed that he had verified that there were no open grievances concerning discipline issued to me prior to my termination. This is not true. The evidence shows that a grievance was open, and Stahl did not exercise due diligence in representing me.<sup>52</sup> The Progressive Discipline Process was not properly applied to me because I had unjustified discipline issued to me that Management failed to remove from my record once evidence was presented proving that I did my job correctly.<sup>53</sup>

If it is not racial discrimination, what do you call it when I, as a Black African American and Veteran, am targeted with progressive discipline? What do you call it when there is a company-wide problem, but I am the only one being written up, given time off and terminated for this same company-wide problem? I can show that numerous other employees who do the same job as me were never issued progressive discipline by being written up, given days off, and being terminated. The issue of “recons” (i.e., parts not entered in the system on time) is and has been a problem at the Company for years.<sup>54</sup> I have produced countless emails from supervisors to employees about recons that are entered into the system late. This evidence proves that I was targeted and singled out for discipline and terminated unjustly.

**B: International Union, UAW:**

When reviewing the Union’s decision to settle a grievance, the PRB’s jurisdiction is limited to whether the settlement was improperly motivated because of fraud, discrimination, or collusion with management, or whether it is devoid of a rational basis. See *Ayres v. Local Union 1112, UAW*, 10 PRB 126 (1998). In this matter, the decision to accept the Company’s offer to return the Appellant to work was a rational one.

Although Appellant raises a number of ancillary issues that are not properly before the IEB or the PRB, the core of this case is a simple one: the Company had documented instances where Appellant failed to properly perform the procedures as outlined. International Representative Steve Stahl conducted an extensive investigation, including looking into some of the other grievances Appellant claimed were still at issue. Appellant’s claims that she was treated differently than other bargaining unit members in her classification could not be substantiated. As such, Stahl’s decision after his investigation to enter a settlement to return Appellant back to work was a rational one.

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<sup>52</sup> Record, pp. 516-517.

<sup>53</sup> Record, pp. 513-515.

<sup>54</sup> Record, p. 518.

## DISCUSSION

The PRB's jurisdiction over appeals related to the disposition of grievances is limited to claims that the matter was improperly handled because of fraud, discrimination, or collusion with management, or that the disposition or handling of the matter was devoid of any rational basis.<sup>55</sup> In this case, Appellant does not claim that International Representative Stahl's decision to settle her grievance was the product of fraud, discrimination, or collusion with management. Instead, she argues that her termination was unjust, and that Stahl should have continued to pursue her reinstatement with full back pay. Accordingly, the Board focuses on whether the decision to settle the grievance had a rational basis.

International Representative Stahl thoroughly investigated Appellant's termination grievance. Stahl contacted the Local representative responsible for the grievance, John Cowsert, and discussed the grievance with him. Stahl asked whether there were outstanding grievances or civil rights complaints related to the prior discipline assessed against Latif and was assured that there were no open matters.<sup>56</sup> Stahl also contacted Latif and met with her in person. When Latif claimed that other employees made mistakes similar to the error leading to her termination, Stahl tried to verify that claim. However, he was assured by Cowsert and the Company that other employees in Appellant's position had not committed similar errors, and Appellant did not provide any evidence to the contrary.<sup>57</sup> Later, when Appellant claimed that there was a potential witness who could provide testimony helpful to her case, Stahl pursued the matter, but the individual denied having relevant information.

Based upon his investigation, Stahl found that he lacked evidence to refute the Company's claim that Latif had failed to perform her job properly. Under these circumstances, he reasonably concluded that further pursuit of the grievance was unlikely to obtain complete relief on behalf of Appellant. Thus, his decision to accept a settlement returning Appellant to work without back pay was rational, even considering that Latif is a high seniority employee.<sup>58</sup>

On appeal, Latif emphasizes that she was subjected to hostility in the workplace, including an incident several years before her termination when a supervisor referred to

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<sup>55</sup> UAW International Constitution, Article 33, §4(i).

<sup>56</sup> In correspondence to the Board dated May 14, 2022, Appellant questioned Stahl's assertion that he was told that there were no open grievances related to the disciplinary actions against her which preceded her termination. Appellant pointed to a letter dated June 25, 2018, from Local 685 to the Company appealing her termination grievance, No. 18-0296, and seven other grievances which are referenced only by number. Record, p. 26. However, there is no indication in the Record that any of the other seven grievances involved Appellant, nor has she provided any other evidence to refute Stahl's assertion that there were no other open grievances filed on her behalf.

<sup>57</sup> Moreover, in his report on the grievance to the Local Union President, Cowsert had indicated that additional instances of discipline were pending against Latif for similar failures to perform her duties as a receiving clerk. Record, pp. 24-25.

<sup>58</sup> As the PRB has explained in past decisions, where a termination grievance involving a high seniority employee has considerable merit, a union representative must have a clear and substantial basis for declining to arbitrate the grievance. See, e.g., *Dailey v. Region 2B*, 14 PRB 933, 944-945 (2013).

her using a racial slur. Although we have no reason to doubt Appellant's claim of mistreatment, the Record makes clear that there was no evidence from which to argue that her termination was a result of hostility as opposed to deficient performance on the job as management claimed. International Representative Stahl looked for evidence that the Company held Appellant to a higher standard of performance than other employees, but ultimately could find none.

In support of her appeal, Latif also attempts to rely on a letter from a co-worker, Cindy Tomes, to show that she was terminated unjustly. However, this information was not provided to Representative Stahl before the settlement was reached, even though Appellant indicated that she was in possession of the letter for several months before giving a copy to the Union. Even if the letter had been produced in a timely fashion, it likely would not have altered the result reached in this case. Although Tomes states that she saw Latif's supervisor remove packing slips from her file cabinet, there is no indication that this was the same paperwork involved in the incident leading to Appellant's termination.

The decision of the IEB is affirmed and the appeal is denied.