



Inter-Office Correspondence

March 21, 2022

TO: UAW Member Advisory Committee on Ethics

FROM: International Executive Board

SUBJECT: International Union Response to the Committee's January 6, 2022 Communication

As was communicated to UAW Ethics Officer Wilma Liebman during her presentation of the January 6, 2022 Communication of Member Advisory Committee on Ethics ("Committee"), the International Executive Board ("IEB") is appreciative of the time, effort and thought the Committee has put into its Communication and the underlying recommendations. We know that the Committee has been working diligently over the past year. And we know the commitment each member of the Committee has to our Union.

At the request of the Committee and as communicated to the IEB by the UAW Ethics Officer, this memorandum is intended to provide responses to the Committee's Communication. It is our sincere hope that communication and dialogue will continue in the coming months on these important topics. Below please find written responses, intended to follow chronologically the recommendations made in the Committee's Communication.

1. **Constitutional Changes**

a. Membership Participation in Local Union Affairs

Recommendation:

Under Art. 41 of the Constitution, Duties of Local Union Members, section 3 specifies that "it shall be the duty of each member to participate in all local, state, provincial and federal elections through registration and balloting." The obligation to participate in the democratic process outside of the Union should be mirrored by a provision expressing a similar duty inside the Union. Accordingly, the Committee proposes adding a section 4 to Article 41, as follows: "it shall be the duty of each member to participate in Local Union meetings; to vote in Local and International Union elections; and to become educated and active in policy discussions of the Union." We do not assume that adding a constitutional requirement will at once generate levels of participation that have been lacking at the UAW (and other unions) for some time. Nonetheless, a

constitutional provision focused on Local-level participation sends a signal about the importance of such participation for democratic governance and more effective ethics oversight.

Response:

Member engagement and participation in the activities of our Union is of paramount importance. Regional Directors regularly hold conferences, meetings and workshops for Local Union leaders and activists to better inform and engage our membership. The International Union has a network of retired worker councils which aim to engage retired members beyond the activities planned by Local Unions. The International Union fully embraces efforts to increase participation and agree with the Committee's recommendation. We intend to raise this with the Constitutional Committee when it is constituted later this year to do its work ahead of the Constitutional Convention.

b. Non-Retaliation

Recommendation:

The Committee discussed the importance of members feeling freer to report violations of the Ethical Practices Codes (EPC) without fear of retribution. In view of the delicate balance involved, the Committee proposes the following language, to be included as part of the Ethical Practices Codes: "Members have the right and responsibility to report activities or practices that they reasonably and in good faith believe are in violation of the Ethical Practices Codes; such reports should be provided to the UAW Ethics Officer. There shall be no discrimination of any kind against members who have exercised this right and responsibility."

Response:

The International Union feels it is essential to the ethical and sound operation of our Union that members know they may take appropriate measures to report suspected unethical conduct if they reasonably and in good faith believe such conduct violates our internal laws and policies. To that end, we agree with the Committee's recommendation and will raise with the Constitutional Committee the necessary amendment to the Ethical Practices Code.

c. Democratic Participation-related changes – Local Union Conflict of Interest Policy

Recommendation:

The Committee recommends that an Administrative Interpretation of the EPC be formulated as follows: Local Unions should be strongly encouraged (or perhaps required)

to adopt Conflict of Interest policies modeled on the Policy adopted by the International Union in 2020.

Response:

When adopting the policy in November 2020 requiring IEB members who have a pecuniary or personal interest not common to other IEB members or the International Union to recuse themselves from any vote or decision on the matter, the International Union believes it is important that members have confidence in the acts taken by leadership and that such acts are not motivated by self-interest. The International Union agrees with the Committee's recommendation and will look to issue an Administrative Letter to all Local Unions on this matter.

d. Democratic Participation-related changes – Local Union Bylaw Review

Recommendation:

In addition, the Committee emphasized the importance of Local members becoming familiar with Local By-Laws, including the processes by which they are updated or amended. Because these by-laws often date back decades with little change or discussion, many members are unaware of the governance structures that shape and affect their Local. To that end, the Committee recommends that an Administrative Letter set forth as a best practice that there be a Local union meeting devoted exclusively to discussion and thorough review of the by-laws at fixed intervals—perhaps once every 3-5 years. Such a meeting should be well-publicized, to encourage maximum participation.

Response:

As mentioned in the prior discussion concerning member engagement in the activities of Local Unions, member understanding and participation in discussion and adoption of the documents which govern the Local Union's operations are important. While Article 37 of the Constitution requires Local Unions to have bylaws and to have their bylaws approved by the International Union, there is no official pronouncement encouraging membership engagement in the bylaw review and adoption. The International Union agrees with the Committee's recommendation and will look to issue an Administrative Letter to all Local Unions on this matter.

2. Elections (Constitutional Convention)

a. Constitutional Convention Committees

Recommendation:

Accordingly, the Committee concludes that the three Convention Committees (Resolutions, Constitution, Rules) would be more independent and broadly representative if members were not appointed by Regional Directors. Instead, the Committee proposes that these Convention Committee members be chosen in the same way as the Ethics Advisory Committee was—based on a blind draw, coordinated by Region, from those delegates elected from Locals who express interest in serving on a particular Committee.

Response:

The framers of the Constitution conferred upon the International Executive Board the responsibility to select from amongst the elected delegates to the Constitutional Convention individuals who serve on the various Committees (Constitution, Resolution, Credentials, Rules). The long-standing practice of the IEB has been to select from amongst the delegates individuals who have experience working with diverse groups towards a common goal, which is paramount when important matters of the Convention are before these Committees and the Committees, by their very nature, are required to reach consensus on wide-ranging topics. In addition to that objective, the IEB strives to obtain diversity on the Committees in a number of ways: geographic, sector (e.g., public sector, higher education, auto, etc.), large and small Local Union representation, gender and ethnic. Such objectives could not be reached if a blind draw were to be utilized in selecting the membership for these various Constitutional Committees. It is for that reason that the International Union respectfully declines to follow the Committee's recommendation here.

b. Resolutions

Recommendation:

The proposal is to have all resolutions that come out of the Constitution Committee and the Resolutions Committee distributed to the delegates a week before the Convention so they can be suitably reviewed by the delegates.

Response:

The work of the Constitution and Resolution Committees takes place prior to the commencement of the Constitutional Convention. It involves their detailed and extensive review of all resolutions and proposed changes submitted by Local Unions and other subordinate bodies from across the entire UAW. Ultimately, a substantial majority of the Committee's work is prepared in a form for distribution at the Convention itself. Delegates - many of whom have responsibilities (e.g., collective bargaining, grievance handling) within their Local which require them to respond to issues in real time – are afforded meaningful time during the course of the Convention to review the work of these Committees. At this point, the International Union is unsure whether the work of the Committees would conclude in sufficient time to allow prior distribution of their work to delegates a week before the Convention begins. However, the International Union will take this recommendation under advisement as we approach the formal business of the Convention itself.

3. Financial Practices

Recommendation:

The Committee discussed a set of practices that members viewed as troubling given the special fiduciary nature of Union office and the need to avoid even the appearance of a conflict of interest. The following practices should be set forth as part of Administrative Interpretations:

- a member or Local officer shall not receive pay from the Local while on a full-time International Union assignment (being financed by the International);
- a Local President or other officer shall not rescind a written Union policy or order, covering financial or other practices, by use of an oral/verbal Instruction or Guidance;
- compensation for International Officers (including salary and all forms of benefits—such as car allowances) shall be fully disclosed in appropriate detail in writing; this also includes any compensation from sources outside the UAW;
- Local elected officers shall assure that overtime opportunities are fairly apportioned among qualified members of the Local, and officers shall not arrogate disproportionate amounts of overtime to themselves.

Response:

As to the first two bulleted recommendations listed above, these involve policies and/or practices which are more suitably incorporated into a Local Union's bylaws, so that there is a mechanism for enforcement. The International Union will work with the President's Office and Secretary-Treasurer's Office to ensure that appropriate guidance and direction

is provided to Local Unions in relation to these recommendations and incorporating them into the bylaws.

As concerns the fourth bulleted recommendation, overtime assignments are governed by the individual collective bargaining agreement governing the specific worksite at issue. A multitude of issues comes into play in how overtime is assigned, and in some instances a local union representative (committeeperson, steward) is required to be on the shop floor to deal with representational issues. Members have existing rights under the collective bargaining agreement to address these issues and also pursue issues internally (e.g., concerns to the President's Office, etc.) The International Union will have further deliberation on this recommendation to determine whether guidance is feasible on this item.

As relates to the third bulleted recommendation, the salaries of all IEB members are set forth in the Constitution. The International Union has a long-standing policy concerning outside remuneration which limits outside compensation for any International Union employee or official to \$1,500 annually in the aggregate. The International Union's publicly available LM-2 report provides detail on all International Union employee compensation. The International Union will take this recommendation under advisement to determine how it may convey information that is already accessible to the membership.

4. **Educational Approaches**

a. Local Union Websites

Recommendation:

The Committee recommends that the local union's website should be treated as a "one-stop shop" for all union information, both local and International.

Response:

As was discussed with UAW Ethics Officer Wilma Liebman during our February 2022 meeting, the International Union already has a built-up infrastructure to handle this, and many Local Unions from all UAW Regions have availed themselves to these resources. The International Union will arrange for a presentation/discussion with the Committee on the resources currently available and is open to discussing further how best to communicate this to all Local Unions.

b. Sources of Information on Local Union Websites

Recommendation:

The Committee recommends that local union websites contain hot links to the UAW's website so that members can quickly access official International Union documents, such as the constitution and other information, from the local union website.

The Committee recommends that the local union's website include, among other items:

- the International Constitution;
- the Local Union bylaws;
- the Master agreement (for locals where members are covered by such an agreement);
- the Local agreement (for locals where members are covered by such an agreement);
- the local's 'newsletter;
- an archive of past newsletters;
- the Guide to Local Union Elections;
- material on health & safety;
- Administrative Letters;
- links to other useful websites (such as the AFL-CIO's Coalition of Labor UnionWomen website).

The Committee recommends that all Administrative Letters

- be available online;
- be searchable;
- have a title that clearly indicates the subject matter covered;
- be reviewed periodically and revised/updated or rescinded as appropriate.

The Committee recommends that the local union website

- list the dates of local union meetings;
- post the minutes of the local union executive board and the local's meetings (with parts redacted if it is felt that certain exchanges should not appear on a website accessible to many persons);
- list the URL of the local union's official Facebook page, and expressly state that any other group Facebook page purporting to be the local's is not official.

Response:

As mentioned above, the International Union has existing resources for assisting Local Unions with building up their website(s) and online presence. Many of the items/areas recommended by the Committee are covered by the assistance the International Union affords. The International Union believes it might be useful to arrange for a presentation/discussion with the Committee on the resources currently available and how to achieve action on the several recommendations listed above.

c. Technical Assistance in Building Local Union Websites and Related

Recommendation:

The Committee recommends that

- the International be proactive in providing a template for a local union website and that the International provide tools and some training for the local union's webmaster (we understand some training is provided now, but there is a need for more, and more visibility as to its being available);
- The IEB appoint a director of marketing and communications at Solidarity House, with the aim of enhanced internal communications;
- The International engage in aggressive outreach to persuade local unions to have an excellent online presence, to be aware of the Union's social media strategy, and to utilize the communications capabilities made available to them.

Response:

During its February 2022 International Executive Board meeting, the IEB received a report from an experienced outside consultant on the International Union's Communications and Public Relations department and function. Several items covered in the Committee's recommendations are part of what the IEB will be considering as it looks to enhance the capabilities of the International Union's Communications function and that function's ability to assist Local Unions in their important work. We look forward to engaging the Committee in a conversation as this work unfolds.

d. Sources of Member Orientation

The Committee recommends that new members be given a standardized welcome packet containing some basic information, such as the telephone (cell) numbers for the shop chairman and the benefits representative. It should also give the URL for the local union website and strongly encourage the new members to go online to the website.

The Committee recommends that there be a “new member” section on the local union website that would contain much of this information (for the new member’s future reference).

The Committee recommends that there be a section on the International Union website—periodically updated—addressing the rights and responsibilities of a union member; local union websites would link to this section. Some of this material would be similar to the helpful information conveyed during the Unionism 101 seminars held at Black Lake.

Response:

The International Union believes the Committee has made some very important recommendations and suggestions as to how members and “new” members can be informed about the work of their Union. We propose to engage our Education and Communications Department in review of your recommendations and a follow-up meeting with the Committee to discuss the best method of achieving the goals sought here.

e. Webinars and Podcasts

Recommendations:

The Committee recommends that the International make increased use of webinars and podcasts to convey information to members and ensure that they are made available to local union websites.

The Committee recommends that push technology be used to send messages to members when new webinars or podcasts are available (these messages would be sent only to those members who have given their local union their email address or phone number for text messages).

The Committee recommends the creation of webinars and podcasts, and that these be posted on the local union website (through hot links to the International’s website), and further recommends the use of video streaming (such as interviews or coverage of organizing campaigns) which would increase members’ engagement with the Union. The Committee members mentioned other topics that were relevant to local union members. For instance, the women’s committee could do a webinar. There could be one on health & safety, on sexual harassment, etc. There might be a webinar about the Ethical Practices Code with examples of how it applies to actual situations.

Response:

During its February 2022 International Executive Board meeting, the IEB received a report from an experienced outside consultant on the International Union's Communications and Public Relations department and function. Several items covered in the Committee's recommendations are part of what the IEB will be considering as it looks to enhance the capabilities of the International Union's Communications function and that function's ability to assist Local Unions in their important work. We look forward to engaging the Committee in a conversation as this work unfolds.

f. Complaints/Queries

Recommendations:

The Committee recommends that some sort of a confidential hotline or confidential email address be established and that it be made clear that queries or complaints that relate to any level of the Union (local, region, International) can be submitted. The Committee also believes that there should be a way of flagging something that might not be an obvious, serious violation, but something that is sufficient to suggest further inquiry.

The Committee recommends that there be a FAQ section on the website so that members can better understand what formal mechanisms exist (as laid out in the Constitution) for making a complaint about a specific matter.

The Committee also recommends that some examples be given in the FAQ section so that members can better understand what the more formal language in the Constitution means and how it applies in specific situations.

Response:

As concerns the Committee's recommendation about FAQs, the International Union will take this under advisement. We suggest, as to this recommendation, that a meeting be arranged with Appeals Staff from the President's Office to discuss existing resources and engagement with an eye toward discussion on how the Union might be able to move ahead with the suggestions offered by the Committee. As to the recommendation concerning a confidential hotline to address queries or complaints, the International Union suggests a meeting to discuss this further. There exist several avenues for members to pursue such concerns, and it might be useful to have a conversation on this to better understand the source of the Committee's concerns.

5. **Recourse to Complaints**

Recommendation:

There was agreement, however, that the Ethics Hotline should be expanded to at least address reports of ethical misconduct (e.g., in relationships with vendors) and discrimination and harassment at the local union level.

The Committee agreed that repeated similar reports that are out of scope, for whatever reason, suggest a real problem and should be brought to the attention of relevant individuals at the International Union (e.g., servicing representatives, who are closest to the local level and are most trusted) for appropriate investigation and action, as warranted.

Response:

The International Union would like to have further discussion with the Committee on the recommendation about expanding the Ethics Hotline to include local union level issues. The President's Office, Secretary-Treasurer's Office and Regional Directors already have a well-established role in reviewing Local Union concerns and members have existing Constitutional mechanisms to advance concerns about unethical conduct.

6. **Broadening Knowledge of the Ethics Hotline**

Recommendations:

The Committee discussed a variety of ways to expand knowledge and understanding of the Ethics Hotline, including:

- making available on the UAW and local union websites, as well as the officers' Resource Library, a short training video (30 minutes maximum) by the Ethics Officer and Exiger (the firm acting as ethics ombudsman) explaining the Hotline's purpose and how to use it;
- making ethical conduct a regular component of local and regional educational programs, including encouraging locals and regions to invite the Ethics Officer and Exiger to explain the Ethics Hotline, its purpose and how it works at periodic meetings;
- making a rigorous effort to direct members to these resources.

The Committee also agreed that a mechanism for providing feedback about the Ethics Hotline (even something informal such as inviting members and leaders to email the ethics officer care of Exiger) and encouraging local unions to provide feedback would be valuable.

The Committee agreed that there is a lack of understanding about other appeal channels, and that clear FAQs explaining these other appeals processes (like those now on the website for the Hotline) would be valuable -- e.g., how to file protests and appeals through, e.g., Articles 32, 33, 38, and 45 to the International Executive Board and the Public Review Board.

Response:

The International Union is committed to increasing and strengthening membership awareness and understanding of the Ethics Hotline. Discussions between the International Union and Ethics Officer on that topic happen regularly, and the Union is looking to increase awareness of the Ethics Hotline in conferences, meetings and other gatherings that are beginning to resume in-person. The International Union agrees with the Committee's recommendations concerning efforts to increase knowledge and awareness of the Hotline and will work with the Ethics Officer accordingly and with the Committee's recommendation about encouraging Local Unions to provide feedback to the Ethics Officer directly. As concerns the Committee's recommendation about explaining the internal appeals process under the Constitution, the International Union will take this under advisement. We suggest, as to this recommendation, that a meeting be arranged with Appeals Staff from the President's Office to discuss existing resources and engagement with an eye toward discussion on how the Union might be able to move ahead with the suggestions offered by the Committee.

7. **Instilling Trust**

Recommendation:

The Committee recommends publication of a strong statement of purpose, perhaps by the Ethics Officer along with the Ethics Advisory Committee, that contains recourse for verified retaliation.

Response:

As part of its compliance review and in conjunction with the involvement of the Monitor, the International Union is working on enhanced anti-retaliation policies. We welcome the engagement of the Ethics Officer as that work is undertaken and implemented and will accordingly work with her.