

**Report of the UAW External Ethics Officer  
to the Membership of the International Union  
38<sup>th</sup> Constitutional Convention**

Detroit, Michigan  
Thursday, July 28, 2022

*Wilma B. Liebman*  
*UAW Ethics Officer*

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*Wilma B. Liebman*, Ethics Officer:

Mr. President, Officers, Delegates, Members, and Guests: It is my privilege to make this report, as the UAW's Ethics Officer, to the 38<sup>th</sup> Convention on my responsibilities and activities since my appointment as Ethics Officer:

In March 2020, then-UAW President Rory Gamble appointed me to be the UAW's external ethics officer, a newly created position. I was honored by the appointment and by the trust invested in me at that difficult and troubled moment for the UAW. My responsibilities in that role are two-fold: 1) to oversee the newly established Ethics Hotline operated by the Exiger firm which serves as Ethics ombudsman; and 2) to chair the newly established Member Advisory Committee on Ethics. My report to the Convention is therefore in two parts: 1) the ethics hotline launched in March 2020; and 2) the Member Ethics Advisory Committee created in February 2021.

I recognize that undertaking this critical ethics program represents the UAW's renewed pledge to carry out its affairs on behalf of its members in accordance with the highest ethical standards. I understand that my task – along with the Exiger firm-- is to help you fulfill this renewed pledge.

Let me begin with a brief introduction of myself. I have spent my forty-plus year professional career as a labor lawyer. Early on, I worked in the legal department of the International Brotherhood of Teamsters, and later as in-house labor counsel to the Bricklayers and Allied Craftworkers, both in Washington DC. Early in the Clinton administration, I became the deputy director of the Federal Mediation and Conciliation Service. In 1997, I was nominated by President Clinton and confirmed by the Senate to be a Member of the National Labor Relations Board for a five-year term. I was twice re-nominated by President Bush and confirmed by the Senate for two more terms, moving into the minority during the Bush administration. Then, on his inauguration day, President Obama designated me as Chairman of the NLRB. I served out my third term, stepping down in August 2011 after nearly 14 years on the Board.

Since then, I have taught at several universities, most recently New York University Law School, and have served in numerous consulting, advisory and dispute resolution roles. In 2013, while Bob King was President of the UAW, I was asked to provide an expert opinion in connection with the ongoing UAW organizing campaign at the Volkswagen plant in Chattanooga, Tennessee, on the question whether Volkswagen acting alone could lawfully create a German-style works council at the plant. My answer was "no" but that it could be done through negotiations with the UAW, if the UAW succeeded in organizing the plant. I worked with the UAW on two ensuing NLRB election campaigns. Regrettably, the attempt to experiment with a

dual model of representation at the plant has so far not succeeded. I also have published a variety of articles on labor law and policy issues, most recently on the past and present of “Industrial Democracy” in the United States. And I serve on a number of non-profit boards, including the Economic Policy Institute.

## **I. Ethics Hotline**

**My understanding of the ethics program:** I believe I can speak for the Exiger firm in stating that we share a commitment to working hard to help ensure the highest level of ethical behavior at the UAW; and to helping the union emerge from this difficult period with a renewed public perception of its integrity and highest ethical standards. Perhaps most importantly, we are committed to reassuring the UAW’s members that their union will treat any financial or ethics complaints on a confidential basis and with utter seriousness and impartiality. For me, the bottom line is that the UAW’s members must have full confidence that their union has both a very proud history, and a very strong and promising future. The members must be able to trust their union, to rely on the honesty of the leadership, and to be certain that the union and its leadership place the interests of the members foremost in their actions both internally at the UAW -- and with the many employers with which the union negotiates.

This reform effort is intended to result in organizational culture change: so that what occurred in the past cannot happen again. The scope of this reform effort must be UAW-wide -- not just for “them,” but for all of us. Viewed from this perspective, I believe it is important that the Ethics Program pay heed to and address, in some fashion, not only *actual* ethical misconduct, but also *apparent* ethical breaches. Those can be challenging to evaluate.

I am also mindful of the preventive purpose of this ethics program, insofar as it is preferable to confront and resolve problems on your own, rather than leave them vulnerable to government scrutiny. There can be huge ramifications if problems are left unchecked. This applies at all levels of the UAW, not just at the International level.

**A few words about the Exiger firm and the Role of Ombudsman:** As Ethics Officer, I have the responsibility and authority, along with the Ethics Ombudsman, to review and investigate matters reported through the UAW Ethics Hotline. The UAW worked with the compliance, governance and risk firm Exiger to launch an Ethics Hotline on March 31, 2020. Exiger assumed the role of Ethics Ombudsman for the Hotline on that date and continues to oversee the Hotline’s day to day operations.

Exiger was founded in 2013. Initially launched to lead the monitorship for HSBC, when the Bank was put under a deferred prosecution agreement for inadequate money laundering and sanctions controls, Exiger has an international presence with subject matter expertise in various areas of compliance. Exiger works with clients worldwide to assist them in effectively managing their critical investigative, compliance, and integrity challenges while developing and

implementing the controls, policies, and procedures needed to identify and avoid them in the future.

Flora Tartakovsky, a director at Exiger, helped launch the Hotline and now manages it. She works with a team at Exiger to review the reports that are submitted and investigate issues when necessary. She is a lawyer by training, with a background as an investigative journalist at CBS Evening News and 60 Minutes. She has also been an adjunct professor at Fordham Law School. She has worked on numerous sensitive investigations while at Exiger involving matters from fraud to sexual abuse, and she has run ethics hotlines.

Mike Roe, Managing Director and Exiger's America's leader, works with Flora as an advisor to the Hotline. He has served as one of Exiger's leaders on the HSBC Monitorship, and separately as the sanctions subject matter expert. He is a veteran specialist in anti-money laundering and served as a prosecutor at the New York District Attorney's Office, NYS Office of the Attorney General, and has held several legal and compliance positions in the private sector.

There is a wide range of ombuds programs. Some are internal to an organization, some, like Exiger, external. Generally, a set of professional ethical principles guides ombuds programs, chiefly: independence, neutrality, impartiality, confidentiality, and informality. The benchmarks of an ombuds program are: truthfulness, integrity, fostering respect for all members of the organization served, and promoting procedural fairness in the content and administration of the organization's practices and policies.

The benefits of organizational ombuds programs are well-recognized: With these programs organizations seek to:

- provide a safe place where employees and members can obtain information, discuss concerns and evaluate options;
- enhance governance, risk mitigation, and business ethics;
- protect organizational reputation and assets, comply with legislation and regulation, ensure trust of employees, members and the community;
- and secure an ethical work environment.

When the comfort level with bringing complaints to human resource departments or through other internal procedures is low, problems may either go unreported or unresolved, or both. And there are tremendous ramifications of unchecked problems, as workplace problems can easily become court cases – e.g., of fraud, corruption, theft, discrimination. Ombuds programs can help address these issues because of their neutrality: they can provide a sounding board for employees and can also bring concerns to management in an attempt to effectuate change. Ideally, they can give employees a greater sense of empowerment by being able to sit down with someone with direct access to top leadership.

**How Exiger and I, as ethics officer, work together on the Hotline:** Setting up a hotline was part of the UAW's commitment to the Department of Justice to enhance controls to root out

corruption and unethical activity. Intake of complaints through the hotline is overseen by Exiger; a few complaints have come to me directly. Although I was authorized to investigate, hold hearings, and make recommendations, to date I have not exercised that authority independent of working with Exiger. Initially, we had no idea what to expect by way of Hotline intake.

The Hotline was at first designed to deal with complaints of ethical violations and financial malfeasance by International Union officers, staff and employees -- not by local union or company officials, staff or employees. Within the last year, and upon the recommendation of Exiger and myself, the Hotline has been expanded to cover claims of racial and sexual harassment and discrimination by International Union officers, staff and employees.

The Exiger team communicates with me over the substance of reports filed, their resolution, and the process of investigation if warranted. While Exiger and I are not “agents” of each other, nor do we supervise each other’s work, we have a close, collaborative working relationship. We talk regularly about the reports filed, strategy and responses.

**How the Hotline Works:** Anyone who wants to submit a report to the hotline can do so in one of two ways: by phone service or web portal, and in English or Spanish. Reporters are informed that the hotline is confidential, but not anonymous – so reporters must provide their name and contact information. Exiger also states that there is a strict policy of non-retaliation against report filers.

A third-party service handles report intake and then the reports are emailed to Exiger and to me. Once Exiger receives a report, it acknowledges receipt, and the Exiger team then conducts an initial review to determine whether it is in scope – meaning that it relates to financial malfeasance or ethical misconduct by International UAW officials, staff or employees. Out of scope examples might include: a disagreement with the way in which the International handled a grievance; a local union member complaining about a delayed paycheck or safety problem at a plant. In scope claims might include: an International UAW official is accepting bribes; an International Union employee is submitting personal expenses as work expenses; an International Union official is retaliating against an employee who alleges sexual harassment in the workplace. If Exiger considers something to be out of scope, they will consult me and draft an out of scope letter that I review and approve. Then Exiger will send it to the reporter to close the case.

But issues aren’t always clear cut, and sometimes seemingly out of scope issues merit further review and consultation with the UAW. If there’s an issue that merits investigation or warrants discussion with the UAW, Exiger will take steps such as seeking documentation and/or interviewing the reporter and others that may have been involved in the issue. Exiger regularly confers with me on these types of matters so that I am aware of what’s going on and can offer thoughts or guidance.

When interviewing reporters or others, Exiger stresses that the Hotline is confidential and non-retaliatory. Guarding the confidentiality of the Hotline reporter is a top concern for us. Sometime reporters waive their confidentiality allowing Exiger to use the reporter's name in the course of an investigation. Exiger is well aware of the need to be sensitive, empathetic and respectful to reporters no matter how big or small their issue might be. Let me also emphasize that retaliation against anyone who files with the Hotline would be dealt with as an extremely serious matter.

Once Exiger has concluded an investigation, and spoken with me or produced written findings, Exiger will draft a letter to the reporter with the investigatory findings. Assuming there are no findings of wrongdoing, this closes out the case. Even investigations closed with no findings of wrongdoing may be valuable because they can address rumors, create transparency, and perhaps bring evidence-based closure to an issue.

**Tracking of Reports filed with the Hotline:** Exiger carefully tracks all the information that comes into the Hotline and provides the UAW with quarterly reports of relevant statistics and issues that might raise red flags. To date, 401 reports have been filed with the Hotline. A large percentage of reports filed are out of scope because they raise issues that involve local union or company officials or staff or address grievances, grievance handling or employment issues.

- Total number of reports for 2020: 123 (the hotline opened on 3/31/20).
  - # (percent) in scope 2020: 36/123 (29%)
  - # (percent) out of scope 2020: 82/123 (67%)
  - Remainder are cases where case was withdrawn, information was incomplete or reporter was simply seeking information
- Total number of reports for 2021: 196
  - # (percent) in scope 2021: 79/196 (40%)
  - # (percent) out of scope 2021: 108/196 (54%)
  - Remainder are cases where reporter hung up, case was withdrawn or the accused resigned
- Total number of reports first 6 months 2022: 75
  - # (percent in scope 2022: 5/75 (7%)
  - # (percent) out of scope 2022: 69/75 (92%)
  - Remainder are cases where reporter hung up, case was withdrawn, etc.

**Issues Raised Through the Hotline:** To date, 401 reports have been filed with the Ethics Hotline. None has resulted in formal findings of ethical violations by any International Union official, staff or employee. Nor have we made formal remedial recommendations of discipline against any International Union official, staff or employee. In a few instances, we have recommended policy changes or additional training to address gaps in awareness or compliance.

Several reports have been submitted to the Ethics Hotline since it was launched in late March 2020 that we have not found to present clear cases of ethical violation or financial malfeasance, but that nonetheless raised issues worthy of the UAW's attention. We have routinely advised the General Counsel of issues of concern, and both the past and present General Counsel have promptly addressed them. In addition, in meeting with the IEB in November 2020 (virtually) and November 2021 (in-person), we brought to their attention several claims which we considered especially critical given the underlying circumstances which led to the institution of the ethics program, and during these troubling times of intersecting health, economic and racial justice crises. These included claims of unsafe conditions posed by COVID-19 in factories or in connection with the in-person conduct of local union elections, as well as racial and sexual tensions between workers at plants, between local leadership and members, and arising from Facebook postings. We recommended that the Ethics Hotline be expanded in scope to include charges of racial and sexual harassment and discrimination. That was approved by the IEB.

At the November 2020 IEB meeting, we recommended that it adopt a Conflict of Interest Policy, and the IEB immediately accepted the recommendation. Under the newly adopted policy, no IEB member may vote on a question, e.g., compensation, in which he or she has a direct personal or pecuniary or financial interest not common to other members of the IEB or International Union. Our recommendation arose from reports filed with the hotline complaining that then-President Gary Jones had voted on his paid leave and successor. While no actual ethical violations were found, the policy change was warranted, in our view.

**Perception and Confidence: What We've Learned and Some Changes to the Hotline:** In the course of operating the hotline since March 2020, we have learned many things. One is the large number of complaints that involve local union matters. Many of these allege inadequate representation in grievance handling. These are, of course, beyond the scope of the Ethics Hotline. While (as a former union lawyer) I fully understand the chronic filer problem, nonetheless I would still offer an observation: during these troubled times, people are clearly under great stress, and misunderstandings, failures of communication, feelings of being lied to, and perceptions of ethical breaches abound. Giving short shrift to their problems, responding defensively or with annoyance can only make matters worse. The handling of member complaints and grievances cries out for careful listening, compassion, and patience in large supply.

In the course of handling hotline reports, we have, of course, had countless conversations with many individuals. We have also given multiple presentations to UAW leadership about the operation of the Hotline, and I have had extensive dealings with the members of the Ethics Advisory Committee. (See next section.) We have consistently sought feedback about the Hotline, and we have learned from these exchanges.

We have learned that there remains confusion about the Hotline's limited scope, and that's something we will continue to work to clarify through our presentations. We have had discussions with the UAW General Counsel about expanding the hotline to cover allegations of ethical violation, financial malfeasance and racial and sexual discrimination and harassment by

local union officials and staff. We have not yet made a formal recommendation to that effect, but the Ethics Advisory Committee has done so (see next section). A quick review of reports filed through the hotline between January 1, 2021 and March 31, 2022, revealed that 54, out of a total of 229 filed, alleged ethical misconduct by local union officials, staff or employees. We have on occasion brought these claims to the attention of the UAW's General Counsel, but we have not otherwise taken action on these out of scope reports.

We have also learned of the perception that most local union members would have little or no knowledge of ethical or financial misconduct by International Union officials, staff or employees, and thus would have little basis upon which to report misconduct to the hotline. Alternatively, to the extent local union members might have knowledge of such misconduct, they would fear retaliation for filing reports with the hotline. We have tried to stress the non-retaliation policy of the hotline. (See also Ethics Advisory Committee recommendation and discussion in next section.)

Additionally, at regional meetings we've attended, some UAW staff, officials and employees have expressed concern that they did not know the reason they were being contacted for an interview with the UAW Ethics Hotline. As a result, individuals are now informed about the general nature of the allegations. International officials, staff, and employees are now affirmatively notified they can have a representative present if they are the targets of investigations. They are also informed once an investigation is closed.

A few, not many, hotline reporters have followed up with angry emails after their cases were closed. There seems to be frustration about the narrow scope of the hotline and what is deemed "unethical." I cannot say with assurance whether members who have used the hotline are satisfied with their treatment. We hope they are, but there is no formal way of really knowing. We have certainly made every effort to treat all reports filed with seriousness, confidentiality and thoroughness. And let me re-emphasize two things: we are extremely careful to guard the confidentiality of the Hotline Reporter; and retaliation against anyone who files with the Hotline would be dealt with as an extremely serious matter.

While there is no existing formal mechanism for receiving feedback about the hotline – a shortcoming we should address -- I have been especially interested in informally learning about the following questions:

- How do members and union leaders (local and international) learn about and understand existing rules, practices and policies governing union ethical conduct? What approaches are used or might be valuably employed to expand knowledge and understanding (e.g., sharing meeting minutes, bylaws, using a worker to worker circulation approach, training videos, webinars).
- Do union members understand existing avenues for raising ethical concerns and/or seeking recourse for ethical violations, and how do they learn about them? What improvements might be made to better inform members about these existing avenues for raising complaints?

- Do members understand the ethics hotline and what credibility do they assign to it as an avenue for ethics reform? Do they know how to file appeals with the International Union, leading to the IEB and Public Review Board? Are existing avenues suitable, do they work effectively and as intended?
- Because the hotline's success depends on people having trust in the process and coming forward with reports of covered misconduct, what is the perception of the ethics hotline, its reputation, credibility, and trustworthiness, especially in terms of confidentiality, independence or impartiality? What questions do members have about its limited scope?

**Relationship to the Federal Court-Appointed Monitor:** The Ethics Hotline operates independently from both the UAW itself as well as from the office of the Monitor who was appointed by the federal court last year. Early after his appointment, the Monitor's office expressed an interest in knowing about the issues reported to the Hotline so that they could better understand areas of concern. The Monitor also has his own hotline, and they wanted a way to determine if duplicative reports were filed with both hotlines. After discussions with his team, we agreed to provide the Monitor with redacted versions of the reports filed with our hotline so that we can preserve reporter confidentiality. Before sending reports to the Monitor, Exiger removes all information that could identify the reporter. Reporters are also notified that these modified versions of their reports go to the Monitor. In a few cases, we have provided the Monitor with written findings and recommendations resulting from hotline investigations. Exiger is careful to remove any information that might identify the reporter. As stated, guarding the confidentiality of the Hotline reporter is of top concern for us.

On October 28, 2021, the Monitor referred to me as Ethics Officer a matter involving allegations made by an unnamed source against UAW President Ray Curry that he, at the time the Regional Director of UAW Region 8, had violated UAW policy by improperly accepting tickets to a sporting event from a marketing vendor. The Monitor had conducted a preliminary investigation into the allegations but determined that "the quality of evidence and the nature of Mr. Curry's conduct" did not warrant instituting a disciplinary proceeding. The Monitor requested that the Ethics Officer "analyze the facts and ethical policies and practices at issue, and to take any further steps as you deem appropriate." I asked the Exiger firm to investigate the matter and present findings and conclusions. It did so, and I concurred with their findings and conclusions.

As concluded by Exiger:

Exiger's investigation found no evidence Mr. Curry violated UAW policies or otherwise acted unethically by using the tickets, purchased by Region 8 as part of an advertising buy, for himself and three other UAW representatives to the January 9, 2017 National Championship football game. Mr. Curry provided a reasonable explanation as to why he was in Florida in January 2017 and the tickets he obtained to the January 9, 2017 game were incidental to this trip.

In creating a new policy that prohibits the UAW from entering into contracts that include the provision of tickets to entertainment or sporting events, the UAW has taken appropriate measures to avoid any appearance or suggestion of impropriety by Union officials. It is now up to the UAW to ensure that everyone at the Union both understands and abides by this policy going forward.

Because the Monitor’s referral was made public, we posted our Findings and Recommendations on the Ethics page of the UAW website. In reporting on this matter, the Detroit Free Press wrote that --

Matthew Schneider...the former U.S. Attorney who led the corruption prosecution of more than a dozen UAW and Fiat Chrysler Automobiles executives for theft and bribery, told the Free Press he was pleased with the outcome. “The fact that this ethics complaint was so thoroughly investigated is even more important than the outcome....Years ago, no one would even bat an eye at this kind of allegation, but now the UAW is turning over every stone to investigate – which proves the UAW reforms are truly working.”<sup>1</sup>

**Relationship to the Public Review Board:** The Ethics Hotline also operates independently from the Public Review Board (PRB). As PRB Co-Chair James Brudney discussed with you on Monday afternoon, the PRB was created in 1957. The Ethics Officer position, along with the ombuds program and Ethics Hotline, established in March 2020, were intended to fill certain gaps in the available avenues for recourse to claims of ethical violation and financial malfeasance. Reports can be filed with the hotline without requiring that a local union member initiate a formal ethical practice code charge and without satisfying any internal procedural prerequisites. Reports can also be filed by UAW employees, or members of the public and not just UAW members.

**Relationship to the Member Advisory Committee on Ethics:** detailed in the next section.

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<sup>1</sup> Phoebe Wall Howard, “UAW President Ray Curry’s \$1900 football tickets weren’t ethics violation, inquiry finds,” Detroit Free Press (March 17, 2022) <https://www.freep.com/story/money/cars/2022/03/17/uaw-president-ray-curry-football-ticket-inquiry/7059094001/>.

## II. Member Advisory Committee on Ethics

To me, the most gratifying part of my work as Ethics Officer has been working with the Member Advisory Committee on Ethics. The Committee's members are a remarkable group of knowledgeable and committed UAW members, totally devoted to the future of their union and restoring trust among its members. They have wrestled with difficult issues, in a difficult environment, both for the UAW and the nation, and have dedicated many, many hours to these efforts.

**Creation of Advisory Committee:** By announcement dated December 18, 2020, then-President Rory Gamble notified UAW members that, as part of the ethics reforms introduced by the IEB, a UAW Member Advisory Committee on Ethics would be formed and invited them to apply. There were 129 volunteers, of whom 122 were eligible, with eligibility based on current active membership and some experience serving UAW membership (such as elected leadership, Convention delegate status, or membership on a local union standing committee).

In a blind, random draw that I performed (witnessed virtually by PRB co-chair James Brudney and Flora Tartakovsky of the Exiger firm), one permanent and one alternate member from each UAW Region were selected to serve on the new Member Advisory Committee. See Appendix A (list of members). PRB co-chairs Janice Bellace and James Brudney also serve on the Committee, as do I. The Committee was formally created on February 19, 2021. More than half of the members are in attendance at this Convention as delegates or in other capacities, as designated in Appendix A.

The December 18, 2020 Announcement of the creation of the Advisory Committee described the Scope of the Committee as follows:

1. Reviewing the Union's existing internal rules and policies on ethical practices and financial matters – including the Ethical Practices Code, Administrative Letters and other guidance – and how those rules and policies are understood by the Union's Officers and employees.
2. Drawing upon Committee members' individual experience and expertise to develop any recommendations to the IEB for improving existing ethics guidelines, practices (both financial and ethical), policies, enforcement standards and education of these standards.
3. Reviewing the operation and function of the Ethics Ombudsman and Ethics Officer positions to determine whether adjustments might improve their effectiveness and/or promote transparency.
4. The Committee will provide a mechanism for two-way communication and dialogue between the Committee union members and the Ethics Officer, to enhance understanding, acceptance and operations of an Ethics Program....

The December 2020 announcement also stated that the Committee would convene and perform its functions until the next UAW Constitutional Convention. "At that point, report(s) will be made to the Constitutional Convention delegates and determinations will be made by

the Convention delegates as to whether the Committee should continue, either for a fixed period of time beyond 2022 or indefinitely.”

**Work of Committee:** Starting on March 24, 2021, the Committee has met on about 25 occasions, about every 3-4 weeks, primarily virtually for about 90 minutes, and twice (Sept. 20-21, 2021 and May 2-3, 2022) in person in Detroit. The Committee submitted numerous questions and requests for information to the UAW, all of which were answered promptly and carefully. The Committee also invited a number of individuals to meet with us. Both then-President Gamble and later President Curry outlined their visions for ethics reform and for this Advisory Committee itself and entertained a wide range of questions from the Committee Members. The UAW General Counsel, both former and present, met with the Committee separately, as did Jeff Sodko, an attorney in the legal department, who provided an overview of UAW joint activities reforms. Extensive presentations were made to the Committee by Blair Simmons, a retired lawyer with the UAW legal department, and Al Wilson, administrative assistant to the UAW President, on the body of law and policy governing UAW ethical conduct, union elections, and union finances. In addition to applicable Landrum Griffin Act provisions, they discussed the UAW Constitution, Ethical Practices Code and Administrative Letters, and other documents (e.g., Solidarity Magazine, local by-laws, and local financial officers guides).

Additionally, individuals from the Exiger firm met with the Committee, both early on and more recently, to discuss the operation of the Hotline and the kinds of cases submitted. I described my role as Ethics Officer working with the Exiger firm in overseeing the ethics hotline. And I explained the role and importance of an organizational ombuds program, which the Exiger firm performs – as I’ve tried to do in this Report. Public Review Board co-chair Janice Bellace and James Brudney, standing members of the Advisory Committee, have provided an overview of the PRB, its mandate and decision-making process. They have been hugely invaluable resources to the Advisory Committee. Court appointed Monitor Neil Barofsky met with the Committee, as did others on his team, including Glen McGorty who was responsible for overseeing the referendum and election related matters.

At early meetings, the Advisory Committee members had extended discussions of why each member volunteered to serve, what concerns each has related to ethical conduct of the UAW, and whether members have observed or experienced troubling situations in their years with the union. Over time, the Committee members have developed a rare degree of trust and rapport, notwithstanding remarkable diversity (race, gender, age, regional, sector, experience and background) and differences of opinion. Dialogue in our meetings has always been courteous and respectful.

Based on our internal discussions and presentations made to us, the Advisory Committee perceived the essence of our charge as reviewing and affirmatively addressing three key subjects:

- substantive policies: what overview can we give of ethical requirements and sources--for elections, democratic participation, financial regularity. Should we recommend changes or additions to existing rules, practices and policies?
- educational approaches: how do members and union leaders (both Local and International) learn about and understand existing rules, practices and policies governing union ethical conduct? We draw attention to the importance of a continuing education process for Local Union leaders and members.
- recourse to complaints: do union members understand existing avenues for raising ethical concerns and/or seeking recourse for ethical violations, and how do they learn about them? What improvements might be made to better inform members about these existing avenues for raising complaints?

From the start, the Committee believed strongly that our deliberations should be held in confidence, to ensure that members felt free candidly to address ethical concerns and to develop trust, especially given the extraordinary and difficult circumstances that led to the creation of the Committee. Going forward, however, our sincere hope is that our work and our recommendations, as well as this Report, will be better known and publicized among union leadership and members.

**Committee Recommendations and IEB's responses:** The Committee has submitted three sets of recommendations to the IEB:

- August 12, 2021, attached to this Report as Appendix B; IEB response dated August 30, 2021, attached as Appendix C;
- January 6, 2022, attached to this Report as Appendix D; IEB response dated March 31, 2022, attached as Appendix E;
- January 28, 2022, attached to this Report as Appendix F.<sup>2</sup>

As these communications to the IEB are attached in full as Appendices to this Report, along with the IEB's responses, I will not detail them in the body of this Report. Rather I will highlight just a few of the recommendations.

In the Committee's **August 12, 2021 communication** with the IEB, we made three recommendations, the most critical and noteworthy was a recommendation that the --

many different ethics rules, practices and policies of the UAW should all be assembled in one Ethics manual, easily available and accessible to all union leadership and members, including electronically, with a searchable index. At present these documents are

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<sup>2</sup> The Advisory Committee did not expect a formal response to this set of recommendations as they concerned the forthcoming election procedures and presumably were considered as part of the UAW's deliberations with the Monitor and the Department of Labor over applicable rules.

scattered in different collections, known only to a few. Indeed, all governing rules and policies should be assembled and made easily available and accessible.

The IEB agreed that the recommendation was “sound.” Further it said:

Indeed, similar recommendations have been made by two of the outside advisors the Union has engaged in its review of policies and controls: Deloitte and Exiger. The Union has begun the task of adopting and implementing this recommendation, and we anticipate sharing more with the Committee on that progress down the road.

The Committee would welcome a progress report on this task, and looks forward to engaging with the IEB on a draft version of the agreed-upon Ethics Manual (however titled).

The Committee’s **second, extensive set of recommendations, made on January 6, 2022**, fell into the three categories described above: substantive policies; educational approaches; and recourse to complaints. Most notably for this Convention, we made several substantive policy recommendations that were accepted by the IEB and have either been put in place or submitted to this Convention for its approval.

On July 13, 2022 two Administrative Letters were issued, pursuant to our Committee’s recommendation. One requires periodic membership review of local union bylaws once every five years in order “to promote member engagement in the activities of local unions and improve member understanding and participation in their local union’s activities....” The second Administrative Letter issued on July 13, 2022, provides that the Conflict of Interest Policy adopted by the IEB in November 2020 will apply to all elected and appointed Local Union officials in any decisions or actions they might undertake in their capacity as a Union official or representative....” As the Administrative Letter concludes, “UAW members should have confidence in the acts taken by Union leadership and that such acts are not motivated by self-interest. The International Union believes this conflict of interest policy will help maintain such member confidence in union actions and decision-making.”

We also recommended, and the International Union has advanced into the Constitutional Convention process, two Constitutional amendments, which, as I understand, will be voted on by Convention delegates on Wednesday July 27, 2022.

The first is a new section 4 in Article 41 stating that “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.” As the Committee stated in its recommendation, there is an “overriding importance of achieving more substantial democratic participation in Union politics and policymaking—related especially at the Local level to elections, understanding and monitoring financial practices, and other aspects of Local operations.”

The second proposed amendment is to the Ethical Practices Code. It would add a section 5 to the Democratic Practices, stating that “Each member has 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 or retaliation of any kind against a member who has exercised this right and responsibility.” As discussed in part 1 of this Report, the integrity of the Ethics Hotline depends heavily on members’ certainty that they can file reports of ethical misconduct without risking retribution.

We are hopeful that both of the recommended and proposed amendments will be accepted by the Convention delegates. The Committee also welcomes continued consideration of our other substantive recommendations that the IEB deferred for further deliberation.

Our second set of recommendations also focused on what the Committee believes are necessary enhancements to the Union’s educational and communications approaches, particularly the use of more modern technologies to encourage better engagement with and participation by members, especially younger members. We recommended better ways for members and union leaders to learn about and understand existing rules, practices and policies governing union ethical conduct, all critical for an ethical culture to exist. The Committee firmly believes that updated communication methods are needed for improved education, to get buy in from members on needed culture changes, and to enforce new ethical policies. To the extent that certain communications resources may already exist, e.g., technical assistance in building local union websites, we believe that a better job needs to be done to publicize their availability. The IEB responded positively to our recommendations, indicating that efforts are underway to enhance the International Union’s communications function and public relations department and offering to meet with the Committee about these efforts.

Our second set of recommendations also focused on the ethics hotline: whether it should be expanded in scope, how to broaden knowledge and understanding of it, and how to instill trust in using the hotline or other avenues for raising complaints of ethical violations. Chiefly, we recommended that the hotline be expanded to address reports at the local union level of ethical misconduct as well as discrimination and harassment. We did not reach consensus on the question whether the hotline should be expanded to cover financial malfeasance by local unions, with some believing that existing avenues for review of such misconduct may be sufficient. The IEB responded that it would “like to have further discussion with the Committee” on this recommendation. “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.” The Committee would welcome further discussion with the IEB. We (as well as the Exiger firm) agree that expansion of the Hotline to local union ethical misconduct is worthy of serious deliberation. (See discussion in part 1 above.)

On May 3, 2022, the Committee met in Detroit. We spent considerable time discussing our second set of recommendations with Al Wilson, administrative assistant to the UAW President,

and with Sandra Engle, Director of the UAW Public Relations Department. They treated our recommendations with complete seriousness, and we look forward to continuing the dialogue.

Our **third set of recommendations, dated January 28, 2022**, related to the post-referendum nomination and election of International Union officers. After meeting with the Monitor and his elections officer, and holding our own discussions and evaluation of election related issues, the Committee reached consensus on a set of recommendations relating to democratic participation and governance, including candidate financing, voting procedures and methods for candidates communicating with the membership.

**The Committee's Recommendation on the Future of the Committee:** It is the Committee's understanding that, consistent with the December 2020 announcement of this Committee, the delegates to this Convention will determine "whether the Committee should continue, either for a fixed period of time beyond 2022 or indefinitely."

The Committee has discussed this question and unanimously recommends that the Convention delegates approve its continuing indefinitely beyond 2022. Created at a time of crisis for the UAW, the Committee believes that it has served a valuable purpose and that it can continue to play a positive role in the union's future.

I emphasize that this is a Committee of volunteers, chosen by a blind draw, and eligible because of their record of activity in Union affairs. The Committee members have dedicated many hours to the Committee's work. As mentioned, the diversity of backgrounds, experiences, regions and sectors has provided a rich perspective for our discussions. The Committee members have developed a rare level of trust and rapport working together despite differences on some issues. This has enabled them to speak candidly in our meetings. To be successful and to be able to continue the trust and shared thinking, the Committee recommends that it remain intact with a periodic rotation of new members, with staggered terms. That will ensure both a stability of membership and the introduction of new voices with new ideas.

We believe that this Committee is an independent voice and can be a viable conduit for listening to members and raising their concerns. As such, Committee members can serve as a means of restoring trust to the International Union, which they fear has been out of touch with the rank and file, especially younger members, and has lost momentum, especially in light of legal challenges and compounded by the pandemic.

But UAW leaders and members need to know more about this Committee, why it was created, how the members were chosen, what we have done, and the importance of creating and preserving an ethical culture. We recommend better communication from the Committee, including with biannual reports. This relates back to our earlier recommendations about better educational and communication approaches: a way for this committee to share thoughts and proposals but also to get input from members and exchange information. Better education, transparency, and accountability can help restore the credibility and image of this great Union, and we believe that this Committee can play a role in making that happen.

### III. Conclusion

In closing my report to this Convention, I want to emphasize what an honor it has been for me to serve as Ethics Officer for the UAW through this very difficult and challenging period, for the union and for the nation. I am impressed with the seriousness with which UAW leadership has faced the need to address ethical breaches and the culture that allowed them to occur. Instituting the ethics program, including the Ethics Hotline, the Ethics Officer position, and the Advisory Committee, evidences that commitment. Leadership has been open to our suggestions, even if disagreeing with some or deferring consideration on others.

With respect to my Ethics Officer role and the Ethics Hotline, I have enjoyed a high level of cooperation from the UAW General Counsel (both former and present) in addressing issues raised through the Hotline, even if they do not involve actual ethical violations. Exiger and I review pending matters with the General Counsel on nearly a weekly basis, scrupulously honoring the confidentiality of the reporters (unless waived) and avoiding any disclosure which might reveal the reporter's identity. Both General Counsels have treated the issues raised with seriousness and have been constructive and responsive in my dealings with them. Even if a large number of reports filed with the hotline are deemed out of scope, the presence of the hotline as an available recourse serves a valuable purpose, as discussed.

In general, the regional leadership with which the Exiger firm and I have met from time to time in ethics briefings and trainings have similarly treated the Ethics function as a critical one. At times, however, we sense that some may view the problem as one involving "them" and not "us." Restoring trust and creating and preserving a true culture of ethical behavior and democratic participation will require an "us" mentality: a belief that these are "our" responsibilities.

With respect to the Ethics Advisory Committee, I emphasize the diversity of the membership and their perspectives, with the richness that has brought to our deliberations; as well as the trust, respect and collaborative spirit that developed among the committee members, despite differences. They worry that the UAW has lost the trust and commitment of its members, but share a deep commitment to the union and a seriousness of purpose to be a part of helping it emerge from its difficulties and create a proud future. Working with this Committee has been, as I said, the most gratifying part of my work as Ethics Officer and what gives me hope for the Union's future.

Yet I am realistic enough to know that, even with true seriousness of purpose, it not easy to change the culture of an organization, particularly one as large and complex as the UAW, and that work remains to be done to restore trust in the union. That will require constant vigilance, greater transparency, improved education and communications efforts, and increased democratic participation by members throughout the organization. I am hopeful that, with continuing attention to these goals, and with measures like those already recommended by the Advisory Committee, as well as ideas that may yet arise, the UAW will have a proud future, further empowering it to vigorously represent its members in a challenging economic climate.

**APPENDIX A**  
**Member Advisory Committee on Ethics**

Members of the Committee:

Wilma B. Liebman, UAW Ethics Officer

Prof. Janice Bellace, co-chair, UAW Public Review Board

Prof. James Brudney, co-chair, UAW Public Review Board

Region 1 --

- David Murray -- Local 400. *(2022 Convention press delegate)*
- Kristofor Harrison, Alternate -- Local 2500. *(2022 Convention distinguished guest)*

Region 1A --

- Kelly D. Barnett -- Local 6000 *(2022 Convention delegate)*
- Demetrius Burton, Alternate -- Local 182.

Region 1D --

- Rick Smith -- Local 652.
- Joshua Wesolek, Alternate -- Local 668. *(resigned)*

Region 2B --

- Rick Ward, Local 685. *(2022 Convention delegate)*
- Larry Cooper, Alternate -- Local 211. *(2022 Convention delegate)*

Region 4 --

- Kim Cook Bell, Local 2250. *(2022 Convention delegate; member, credentials comm.)*
- Justin Mayhugh, Alternate -- Local 31. *(2022 Convention alternate delegate)*

Region 8 --

- Justin Gonzalez, Local 887.
- Kim Evans, Alternate -- Local 472.

Region 9 --

- Peter Griffin, Local 1097.
- Ryder Littlejohn, Alternate -- Local 897. *(2022 Convention delegate)*

Region 9A --

- Angie Scraders-Murphy, Local 2377. *(2022 Convention distinguished guest)*
- Pamela Smith, Alternate -- Local 2320. *(2022 Convention delegate)*

**APPENDIX B**  
**COMMUNICATION TO UAW IEB**

TO: Ray Curry, President  
Members of the UAW International Executive Board  
FROM: UAW Member Advisory Committee on Ethics  
RE: 1<sup>st</sup> Communication and Status Report  
DATE: August 12, 2021

The UAW Member Advisory Committee on Ethics submits this first communication and status report to the International Executive Board for its review and action on recommendations and circulation to union leadership and membership. Below we outline the creation of the Committee, its intended scope, the initial meetings of the Committee, how we at present envision our responsibility, and initial recommendations.

A. As part of the ethics reforms introduced by UAW President Rory Gamble and the International Executive Board (IEB), the UAW Member Advisory Committee on Ethics was created on February 19, 2021. By announcement dated December 18, 2020, President Gamble notified UAW members that this Committee would be formed and invited them to submit applications. There were 122 eligible applicants, with eligibility based on current active membership and some experience serving UAW membership (such as elected leadership, Convention delegate status, or membership on a local union standing committee).

In a blind, random selection performed by UAW Ethics Officer Wilma Liebman, and witnessed by Public Review Board co-chair James Brudney and Flora Tartakovsky of the Exiger firm, one permanent and one alternate member from each UAW Region was selected to serve on the new Member Advisory Committee. See Appendix A. Wilma B. Liebman, UAW Ethics Officer, and UAW Public Review Board co-chairs Janice Bellace and James Brudney also serve on the Committee.

B. The December 18, 2020 Announcement of the creation of the Advisory Committee describes the Scope of the Committee as follows:

1. Reviewing the Union's existing internal rules and policies on ethical practices and financial matters – including the Ethical Practices Code, Administrative Letters and other guidance – and how those rules and policies are understood by the Union's Officers and employees.
2. Drawing upon Committee members' individual experience and expertise to develop any recommendations to the IEB for improving existing ethics guidelines, practices (both financial and ethical), policies, enforcement standards and education of these standards.
3. Reviewing the operation and function of the Ethics Ombudsman and Ethics Officer positions to determine whether adjustments might improve their effectiveness and/or promote transparency.

4. The Committee will provide a mechanism for two-way communication and dialogue between the Committee union members and the Ethics Officer, to enhance understanding, acceptance and operations of and Ethics Program. The Committee will not have authority to supervise or direct the Ethics Ombudsman or Ethics Officer, but will have the ability to make recommendations about the operation of the Ethics Program to the Ethics Officer, who will give full consideration to those recommendations but will not be bound to accept them.

The announced intent is that the “Committee would convene and perform its functions until the next UAW Constitutional Convention (June 2022). At that point, report(s) will be made to the Constitutional Convention delegates and determinations will be made by the Convention delegates as to whether the Committee should continue, either for a fixed period of time beyond 2022 or indefinitely.”

C. The Committee has now met on 7 occasions: March 24, April 10, May 5 and 26, June 16, July 14, and August 11, 2021. To date, several individuals have been invited to make presentations: then President Rory Gamble, Roy Pollitt and Flora Tartatovsky from the Exiger firm, and Blair Simmons, former UAW legal department, and Al Wilson, administrative assistant to President Gamble. The Committee has invited current President Ray Curry to address us at our September 1, 2021 meeting.

President Gamble outlined his vision for this Committee and entertained questions from the Committee members.

The Exiger firm principals explained the operation of the ethics hotline, describing its scope and emphasizing what is beyond its scope. Wilma Liebman described her role as Ethics Officer in working with the Exiger firm in overseeing the ethics hotline. She also explained the role and importance of an organizational ombuds program, which the Exiger firm performs.

Janice Bellace and James Brudney, standing members of the Advisory Committee, have provided an overview of the Public Review Board, its mandate and decision-making process.

Blair Simmons and Al Wilson made a two-part presentation on the body of law and policy governing UAW ethical conduct, including those governing union elections, union finances, etc. In addition to applicable Landrum Griffin Act provisions, they discussed the UAW Constitution, Ethical Practices Code and Administrative Letters, and other documents (e.g., Solidarity Magazine, local by-laws, and local financial officers guides).

D. To date, the Advisory Committee members have had extended discussions of why each member volunteered to serve, what concerns each has related to ethical conduct of the UAW, and whether members have observed or experienced troubling situations in their years with the union. The Committee has indicated a strong position that deliberations be held in confidence, to ensure that members feel free candidly to address ethical concerns. We will,

however, in the interest of transparency, from time to time communicate with the IEB and through the IEB to union leadership and membership about our progress and recommendations. We hope that this initial communication will be shared widely.

Based on our initial round of meetings, presentations, and internal discussions, the Advisory Committee perceives the essence of our charge as reviewing and addressing three key subjects:

--**substantive policies:** what overview can we give of ethical requirements and sources--for elections, democratic participation, financial regularity. Should we recommend changes or additions to existing rules, practices and policies? How are documents reflecting rules, practices and policies developed and disseminated by the International Union? We emphasize the importance of making all these policy documents easily available, accessible and searchable for union members. One option under discussion is to have links to key documents and then to summarize certain concepts in the documents under each area.

--**educational approaches:** how do members and union leaders (both Local and International) learn about and understand existing rules, practices and policies governing union ethical conduct? We draw attention to the importance of a continuing education process for Local Union leaders and members. Approaches could include sharing meeting minutes (via email), sharing bylaws (with new members and also periodically), using a worker-to-worker circulation approach for ad hoc matters, and relying on training videos or webinars. The goal should be ensuring that members are continually informed participants.

--**recourse to complaints:** do union members understand existing avenues for raising ethical concerns and/or seeking recourse for ethical violations, and how do they learn about them? What improvements might be made to better inform members about these existing avenues for raising complaints? Do members understand the ethics hotline and what credibility do they assign to it as an avenue for ethics reform? Do they know how to file appeals with the International Union, leading to the IEB and PRB? Are existing avenues suitable, do they work effectively and as intended?

E. At present, the Committee makes the following recommendations to the International Executive Board:

- The many different ethics rules, practices and policies of the UAW should all be assembled in one Ethics manual, easily available and accessible to all union leadership and members, including electronically, with a searchable index. At present these documents are scattered in different collections, known only to a few. Indeed, all governing rules and policies should be assembled and made easily available and accessible.
- The Advisory Committee has been tasked with reviewing the UAW's existing internal rules and policies on ethical practices and financial matters and, drawing upon Committee members' individual experience and expertise, with developing any recommendations for improving existing ethics guidelines, practices (both financial and

ethical), policies, enforcement standards and education of these standards. In addition to recommendations that the Advisory Committee makes to the IEB, the Committee urges the IEB to agree that recommendations that it may wish to make to the Convention, should be made directly to the Convention delegates without first being presented for approval by Committees, e.g., Constitution and/or Resolution Committees.

- The Advisory Committee should be permitted to have a first meeting in Detroit, in mid-September, and periodic meetings thereafter. We believe that an in-person meeting of this sort is critical for the Committee members to become better acquainted with each other and to develop trust, in order to confront and explore the difficult issues we are addressing.

Thank you for your review and consideration of the Committee's initial recommendations. Please advise us as to action taken on these recommendations. We expect that during the coming months, we will be making further recommendations. We, of course, welcome your feedback and look forward to discussion with President Curry at our next meeting on September 1, 2021.

*Wilma B. Liebman*

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Wilma B. Liebman  
UAW Ethics Officer  
For the Member Advisory Committee

## APPENDIX C

August 30, 2021, 2:12 pm  
Email to Wilma Liebman  
From Niraj R. Ganatra  
Re: Advisory Committee

Wilma,

Following up on the conversation we had last week, below is a written response from the IEB concerning the Member Advisory Committee's August 12 communication. Specifically, here are responses to the three bullets contained in Section E of the August 12 communication.

**Bullet #1:** The many different ethics rules, practices and policies of the UAW should all be assembled in one Ethics manual, easily available and accessible to all union leadership and members, including electronically, with a searchable index. At present these documents are scattered in different collections, known only to a few. Indeed, all governing rules and policies should be assembled and made easily available and accessible.

**UAW Response:** The Committee's recommendation is a sound one. Indeed, similar recommendations have been made by two of the outside advisors the Union has engaged in its review of policies and controls: Deloitte and Exiger. The Union has begun the task of adopting and implementing this recommendation, and we anticipate sharing more with the Committee on that progress down the road.

**Bullet #2:** The Advisory Committee has been tasked with reviewing the UAW's existing internal rules and policies on ethical practices and financial matters and, drawing upon Committee members' individual experience and expertise, with developing any recommendations for improving existing ethics guidelines, practices (both financial and ethical), policies, enforcement standards and education of these standards. In addition to recommendations that the Advisory Committee makes to the IEB, the Committee urges the IEB to agree that recommendations that it may wish to make to the Convention, should be made directly to the Convention delegates without first being presented for approval by Committees, e.g., Constitution and/or Resolution Committees.

**UAW Response:** When the UAW's IEB and President Gamble announced the creation of the Member Advisory Committee on Ethics in December 2020, the intent was for the Committee to develop and make recommendations to the IEB for improving ethics guidelines, practices, policies, enforcement standards and education of these standards. A report will also be made by the Committee to the Constitutional Convention Delegates in July 2022. The IEB believes that the Member Advisory Committee's request is premature and also not within the scope of what the IEB may grant. As to the former, the Committee has only begun to formally engage with the IEB. To date, there has been no suggestion or inference that the IEB would disregard suggestions or recommendations from the Committee or that the IEB would choose not to engage in discussion with the Committee on its recommendations. If such an event were to occur, the Committee would have ability to communicate to the Convention Delegates about any such developments in its Report, which would be a written report and one that would also be delivered at the Convention (much like the PRB does). Additionally, the Constitutional Convention - through action by its Delegates -

adopts the rules and procedures for the Convention. The IEB is not in a position to bind the Convention into certain procedural outcomes, such as bypassing existing Convention Committees.

Bullet #3: The Advisory Committee should be permitted to have a first meeting in Detroit, in mid-September, and periodic meetings thereafter. We believe that an in-person meeting of this sort is critical for the Committee members to become better acquainted with each other and to develop trust, in order to confront and explore the difficult issues we are addressing.

UAW Response: The Union recently resumed in-person meetings and conferences, with appropriate masking and social distancing. As we move towards a safe return to in-person meetings, the Union has been in discussion with Ethics Officer Liebman on plans for an in-person meeting by the Member Advisory Committee in mid-September. This request/recommendation should be deemed granted.

Niraj R. Ganatra  
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**APPENDIX D**  
**COMMUNICATION TO UAW IEB AND LEADERSHIP**

TO: Ray Curry, President  
Members of the UAW International Executive Board (IEB)  
FROM: UAW Member Advisory Committee on Ethics  
RE: 2nd Communication and Status Report  
DATE: January 6, 2022

The UAW Member Advisory Committee on Ethics submits this second communication to the International Executive Board for its review and action on recommendations and circulation to union leadership.

In its first Communication to the IEB, dated August 12, 2021, the Advisory Committee recommended that it be permitted to have its first in-person meeting in Detroit, ideally for two days. As explained, “We believe that an in-person meeting of this sort is critical for the Committee members to become better acquainted with each other and to develop trust, in order to confront and explore the difficult issues we are addressing.” The IEB agreed with this recommendation. Below we report on the Committee’s first in-person meeting held in Detroit on September 20-21, 2021, and present a set of recommendations developed at, and as a result of, that meeting.

On September 20, the Committee met for an introductory dinner. The next morning we convened at 8 am. After discussion of preliminary and logistical questions, we divided into three subcommittees (substantive policies, educational approaches, and recourse to complaints), and met till noon. At lunch, we had the benefit of a thorough presentation by Jeff Sodko, UAW Legal Department, on changes that have been negotiated and are being put in place with Big Three joint programs.

After lunch, each subcommittee reported on its morning discussions, and a group discussion followed. The reports and recommendations were reviewed and finalized by each subcommittee over the following weeks. During November and December, the full Committee reviewed, adjusted and approved each subcommittee report. Those reports became the three parts of the Committee Report that follows.

We point out that the members of this Advisory Committee are local union members active at the local union level, and the report and recommendations reflect the Committee’s direct concerns and interests as local union members. The focus of these recommendations or proposals is therefore largely on local union concerns and responsibilities. This is certainly not to say that the Committee members have no concerns or are uninterested in ethical conduct or financial auditing at the IEB level. We were, for the most part, simply not sufficiently knowledgeable about what is happening at that level. To the extent that our recommendations relate to International Union practices, we acknowledge that in some cases they may already be in place. But, as we discovered, they are not widely known among local

union membership, suggesting the need for more visible and effective communication and educational efforts.

## A. Substantive Policies:

**Emphases:** What overview can we give of ethical requirements and sources, addressed to (a) democratic participation, (b) elections, (c) financial regularity? Should we recommend changes, or additions to existing rules, practices, policies, or constitutional provisions, in these three areas?

How are documents reflecting rules, practices and policies developed and disseminated by the International Union? We emphasize the importance of making all key overview documents easily available, accessible and searchable for union members. One option under discussion is to have links to key documents and then to summarize certain concepts in the documents under each area.

### **Recommendations:**

1. **Constitutional changes:** The Committee discussed the overriding importance of achieving more substantial democratic participation in Union politics and policymaking—related especially at the Local level to elections, understanding and monitoring financial practices, and other aspects of Local operations. This element of meaningful participation was seen as a Preface to addressing substantive policies in our three areas.

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.

The Committee discussed the importance of members feeling freer to report violations of the Ethical Practices Codes (EPC) without fear of retribution. This freedom exists in principle, but in practice so-called “whistleblowers” are often discriminated against or otherwise shunned and disparaged—at the Local or International levels. At the same time, the EPC recognize important limits on the right to be critical of Union officials or activities, as set forth in para.1 of Democratic Practices: “Each member shall have the right to criticize the policies and personalities of Union officials; however, this does not include the right to undermine the union as an institution; to vilify other members of the Union and its elected officials or to carry on activities with complete disregard of the rights of other members and the interests of the Union.”

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.”**

**1A. Other Democratic Participation-related changes:** 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.**

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.**

**2. Elections:** The Committee felt that **for Local elections, the UAW Guide for Local Union Election Committees is both comprehensive and very helpful.** Locals may at times deviate from the practices set forth in the Guide—e.g., fliers posted in work areas, incorrect completion of candidate forms, ballot boxes not properly guarded. The subcommittee believes these are relatively isolated instances, for which more frequent or effective training/orientation sessions would be appropriate—at least for some Locals.

The Committee spent more time discussing selection and governance practices during the Constitutional Convention. Some of the discussion related to the three standing committees: Constitution, Rules, and Resolutions. We focused on making Convention processes reflect more the independent viewpoint of the rank-and-file and less the pre-determined choices of International leadership, while also respecting the necessity of participants being fully informed and committed to their responsibilities.

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.** There would need to be an educational process (on the webpage and perhaps other venues) explaining to all delegates the functions and time commitments for each of the Committees. Delegates could then decide if they wish to self-nominate.

There was also discussion of time frames for how Convention delegates consider and debate resolutions on the floor, aimed at a more useful dissemination of these resolutions. 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.**

**3. Financial Practices:** 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.**

#### **A. Educational approaches:**

**Emphases:** How do members and union leaders both learn about and understand existing rules, practices and policies governing union ethical conduct? We draw attention to the importance of a continuing education process for Local Union leaders and members. Approaches could include sharing meeting minutes (via email), sharing bylaws (with new members and also periodically), using a worker-to-worker circulation approach for ad hoc matters, and relying on training videos or webinars. The goal should be ensuring that members are continually informed participants.

#### **Recommendations:**

The Committee was united in believing that the key to “education” (that is, having members learn their rights and avenues for complaint and their responsibilities as union members) is effective communication. There was a general feeling that the UAW’s method of communicating had become dated, with heavy reliance on paper or in-person events/workshops. The consensus was that many members, particularly younger members, rely on information gained from online sources. The Committee makes several recommendations, none of which require any Constitutional change but which would require operational changes.

The Committee considered that for most members the **Local Union website is the primary official source of information** regarding existing rules, practices and policies governing union

ethical conduct, or for that matter, any union information. Many if not most members do not have paper copies of the constitution, local union bylaws, or the International's guides (e.g., on local union elections) or Administrative Letters. **Improved communication utilizing online technologies was viewed as the path forward, as it is both cheaper and more effective.**

**1. Local Union Websites:** The Committee believes that most members look more to their local union's website, to the extent the local has a website, rather than the International's website. (Committee members understand that some locals do not have websites but we do not know what percentage of locals fall into this category). *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.*

**a. Sources of Authority and Information.** 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 Union Women 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.

**b. Technical Assistance in Building a Website and Developing a Proactive Online Presence.** As it is the primary source of information for local union members, a well-designed, easily navigated, website is critical to a local union's communications efforts. The Committee noted that solidweb is available, but it appears that some local unions are not aware of solidweb. The Committee believes that many local unions are unaware of the excellent assistance in setting up and maintaining websites that the International would make available if requested. Some local unions have strong websites (in that they contain information and the website is easily navigated). But some locals apparently do not have websites, and other local unions have more modest ones. The Committee believed that the International Union must be far more proactive in urging local unions to develop websites that are engaging, attractive, easily navigated, and that contain relevant and up-to-date information, and in regularly assisting local unions in maintaining their website.

Additionally, Committee members noted that the UAW does not seem to have a social media strategy (or at least one regularly communicated to local union officers) that is focused on conveying the Union's policies and positions. As a result, union members sometimes go to the company's website or online accounts to find out information. The Committee expressed a strong belief that the Union needs to take the initiative in getting its message out online.

*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 director would head a team capable of offering a range of marketing capabilities, such as communications strategies, web development, branding, graphic design, and use of video. The director would design a social media strategy to effectively convey the International's policies and positions. The director, who would be in charge of the Union's social media image, would devise ways of enhancing its online presence, its brand/image. This director would oversee the design of the International's template for local union websites. The director would also be responsible for ensuring that local union webmasters received updates and additions so that links from the International's website to the local union's website can be made promptly and easily.
- **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.**

**c. 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.

**2. Webinars and Podcasts:** *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.

**3. Complaints/Queries:** In discussion, it was noted that members who have a complaint or simply want to ask a question about something, often don’t know what to do. The Committee members thought that there should be some way to seek information or to communicate concerns about local union issues, aside from asking the local union officers. [This is further discussed in Section C. below.]

*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. [See further discussion in Section C. below.]*

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.

## **B. Recourse to complaints:**

**Emphases:** Do union members understand existing avenues for raising ethical concerns and/or seeking recourse for ethical violations, and how do they learn about them? What improvements might be made to better inform members about these existing avenues for raising complaints? Do members understand the ethics hotline and what credibility do they assign to it as an avenue for ethics reform? Do they know how to file appeals with the International Union, leading to the IEB and PRB? Are existing avenues suitable, do they work effectively and as intended?

### **Recommendations:**

The Committee focused on three general issues: whether the existing scope of the Ethics Hotline should be expanded; how to broaden knowledge and understanding of the Hotline and other avenues for seeking recourse for ethical violations; and how to instill trust in using the Hotline or other avenues for raising complaints. As a basic proposition, the Committee agreed that there is little understanding of the Ethics Hotline or other UAW appeals processes. With respect to the Ethics Hotline in particular, and its defined scope, the Committee further agreed that there is little knowledge by rank and file members about the conduct of International union officials, and, to the extent there is knowledge of misconduct, there is fear of retaliation should they resort to the Hotline. Instilling trust is key to the effectiveness of the Hotline.

**1. Scope of Ethics Hotline:** The Ethics Hotline is now limited in scope, designed to address reports of ethical violations, financial malfeasance and sexual or racial discrimination or harassment by International Union officers and employees. It does not cover allegations against local union officials or staff, or company officials or staff. The Committee discussed whether the Hotline should be expanded to cover reports of (a) such misconduct by local union officials and/or (b) other misconduct.

Some believed that expanding the Hotline to cover financial malfeasance by local unions could be unduly burdensome as existing avenues for review of such misconduct are good and may be sufficient (e.g., trustee audits, international audits, etc.), but there was no consensus about that question. **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.**

Further, with respect to the Ethics Hotline, **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.** The Committee agreed that the Ethics Hotline and its intended purposes are valuable, even if little understood and used, but that it should not be expanded in purpose at this time beyond financial malfeasance, ethical violation and racial and sexual harassment and discrimination.

**2. Broadening knowledge and understanding of the Ethics Hotline and other avenues for raising complaints:** The Committee agreed there is limited knowledge and understanding of the Ethics Hotline and its intended scope and, as mentioned above, little knowledge by most rank and file members of misconduct by International Union officials or employees. Indeed, the sense of the Committee was that while union members may be aware of activities at their places of employment and locals, they are less likely to be aware of such activities at the regional or international level.

To improve the effectiveness and credibility of the Ethics Hotline and encourage members to report alleged misconduct, the Committee agreed that **broader educational efforts are needed.** The Committee agreed that the FAQs (frequently asked questions) and Overview about the Ethics Hotline which are posted on the UAW website are clearly written. For example, they plainly state the intended scope of the hotline. Nonetheless, the vast majority of reports filed with the hotline are out of scope (e.g., related to grievances against employers, or inadequate representation by local officials in grievance handling). **The challenge is better educating the membership and leadership about the existing avenues for seeking recourse (including the Hotline), where to look for information, and increasing understanding of the different avenues.**

**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. At present, the Constitutional provisions explaining the avenues of appeal are highly legalistic and hard for many to understand. Plain English explanations, perhaps utilizing an FAQ format, with clear statements of required procedural steps, including timelines, where to file protests or appeals, and how to do so, would be valuable and should be made available to members. The goal should be transparency so members understand the bases for legitimate complaints and how to pursue them.

3. **Instilling trust:** The Committee agreed that **trust is key for the Ethics Hotline to be effective, because members will not use the hotline if they fear retaliation.** The Committee agreed that there is presently a widespread lack of trust of the International Union, which needs to be regained from the lower (local) levels up. It was suggested that to restore trust there must be buy-in about the ethics reforms at the regional and local levels, as well as greater transparency, with information made more available.

The Committee also discussed a lack of trust stemming from a divided membership. There was some sense that the divisions and lack of trust, most keenly felt in locals where members work under a large national agreement, cannot be healed until two-tier wages and benefits, large numbers of temporary workers, and signing bonuses are eliminated. Even though those contractual provisions have been ratified, there nonetheless remains a high degree of skepticism and concern. At least some members do not seem to think that their votes count, while others may feel unduly pressured to vote for ratification. There is a related perception that, given the fractured interests under these large national agreements, the ratification vote process has led to a diminished confidence among members in their leadership or suspicion of the process itself.

While the Ethics Hotline description states that retaliation will not be tolerated, members need to believe that there is an effective sanction available if retaliation is found -- e.g., suspending or dismissing an official for conduct unbecoming. **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.** (In addition, see above Section A, "Constitutional Changes.") The Committee believes that the members of the Ethics Advisory Committee could serve a valuable role in helping to restore trust by sharing information, advocating that ethics be made a regular part of educational programs, and encouraging members to get involved in the union and learn what is going on.

The Committee also discussed what, if any, consequences there should be if individuals file fraudulent, malicious or frivolous complaints. For example, reputations can be irreparably damaged by the mere filing of some claims like racial or sexual harassment. But proving that claims are fraudulently, maliciously or frivolously filed is difficult; moreover, just because there is insufficient evidence to sustain a claim of harassment does not mean the claim was

fraudulent, malicious or frivolous. The Committee believes that trust in the hotline will be compromised and hard to gain or maintain if action can be too readily brought against individuals who make claims with what turns out to be insufficient evidence. It concluded that no action should be taken on unsubstantiated claims brought in good faith.

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Thank you for your review and consideration of the Committee's recommendations. Please advise us as to action taken on these recommendations. We expect that during the coming months, we will be making further recommendations. We are all grateful for the opportunity to serve on this Advisory Committee.

*Wilma B. Liebman*

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Wilma B. Liebman  
UAW Ethics Officer  
for the Member Ethics Advisory Committee

## APPENDIX E

UAW Inter-Office Correspondence

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PRINTED IN U.S.A.

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 Union Women 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.

NRG:djn

opeiu494/afl-cio

## APPENDIX F

**TO: Ray Curry, UAW President  
UAW International Executive Board**  
**FROM: UAW Member Advisory Committee on Ethics**  
**RE: Recommendations on Upcoming Election**  
**DATE: January 28, 2022**

During two virtual meetings held in January 2022, the UAW Member Advisory Committee on Ethics discussed a number of issues related to the direct election of officers. The outline of our discussion topics is attached as Appendix A. These topics cover four general areas:

- a) the process for setting direct election rules;
- b) candidate selection;
- c) election rules and structure; and
- d) larger governance questions.

Needless to say, our outline is extensive and during our nearly three hours of meeting we were not able to explore in depth or reach consensus on all of them. But given the urgency of resolving these questions, and the ongoing discussions between the UAW and the Monitor, we focused on certain key issues for which we believed a consensus was more likely to be reached.

Our consensus recommendations are as follows:

1. No outside money may be contributed to candidates or to the election process itself. Contributions should be limited to UAW members.
2. There should be some limits on campaign contributions, in an amount to be determined.
3. There should be transparency in contributors, amounts contributed and spending by candidates; including by slates of candidates. These records should be retained and made available to the membership.
4. Candidates may campaign as a slate, but members will vote for candidates as individuals.
5. The costs to the UAW of the election process adopted is a relevant factor for consideration and should be transparent.

6. The use of secure electronic voting should be explored as a means of both enlarging the voter turnout and saving costs to the UAW. This should be the primary method of voting, which members could opt out of by requesting a mail ballot.
7. The use of rank order voting should be given serious consideration in an effort to avoid the need for runoff elections, to minimize the costs of elections, and to achieve certainty in results. This would apply to the actual election of officers but also for winnowing the number of candidates in the nominations process.
8. The UAW website should be made available for a listing of all candidates for each office, including a standard profile of basic information about them, with links available to the candidates own websites or other identified contacts for such additional information as they may choose. Similarly, the website should be made available to host forums or debates between candidates.
9. Whatever method is chosen for the nomination of candidates (and our Appendix reflects our identification of various models), the process should ensure that members feel free to nominate and vote for candidates without retaliation. The process should generally ensure fairness and ethical conduct, while preserving both transparency and security.

We encourage your serious consideration of these recommendations made by the Advisory Committee, keeping in mind especially the diversity in the composition and viewpoint of the Committee's members. We expect that over time we will be submitting further recommendations, and thank you for the opportunity to serve on this Committee.

*Wilma B. Liebman*

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for the Member Ethics Advisory Committee