



*Solidarity House*

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INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA – UAW

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RAY CURRY, *PRESIDENT* • FRANK STUGLIN, *SECRETARY-TREASURER*  
VICE-PRESIDENTS: CHUCK BROWNING • CINDY ESTRADA

August 19, 2022

Mike Perez, Vice President  
GMNA Labor Relations  
PPO North, MC: 480-205-2FL  
30745 Louis Chevrolet Road  
Warren, MI 48093

**RE: Mutually Satisfactory Retirements – Baltimore, Lordstown and Warren**

Dear Mr. Perez:

As you are aware, since the Arbitrator's ruling on the Baltimore, Lordstown, and Warren Plant Closure and Mutually Satisfactory Retirement (MSR) case, the parties have been engaged in numerous discussions. The Company's August 4, 2022 response to the UAW disagreed with our position that General Motors must offer MSRs, but it also requested more time to respond. As of this writing, the Company has given no further response. Therefore, I am writing to demand that the Company allow employees from Baltimore Transmission, Lordstown Assembly and Warren Transmission to apply for MSRs. It was the Company's obligation to offer employees suitable employment in their labor market area or make MSRs available. In early 2019, however, the Company refused to make available MSRs for those plants by maintaining that the plants were "unallocated." Recently, the Arbitrator found that the use of that jargon to "describe a strategic management decision to curtail and eventually cease production at the subject plants before September 14, 2019 has no significance whatsoever in determining whether GM thereby breached its Document 13 commitment to not 'idle' or 'close' those plants during the term of the 2015 National Agreement." Opinion & Award, p. 34.

As a result of that finding, characterizing the plants as "unallocated" and using that characterization as the reason to not make available MSRs was an error. Fidelity told Local Union Benefit Representatives that it would not release the necessary paperwork to apply for an MSR because the plants were "unallocated." Again, that was an error. The Pension Plan requires that errors be corrected when found. Therefore, the Company must now make MSRs available to eligible employees as required by the Pension Plan, instruct

Mike Perez  
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August 19, 2022

Fidelity to release the necessary paperwork and allow employees who had ten years of credited service as of December 31, 2019 to apply for the benefit.

Please contact me if you would like to discuss this matter.

Sincerely,

A handwritten signature in black ink that reads "Ray Curry". The signature is written in a cursive, flowing style.

Ray Curry  
International UAW President and Director  
of the General Motors Department

RC:ZA:rb  
opeiu494  
cc: IEB  
Tim Bressler  
Bryan Czape  
Nicole Current  
Mark Polglaze  
UAW Legal Department  
All UAW-GM LU Presidents  
All UAW-GM LU Shop Chairpersons  
All UAW-GM Department Staff and Clerical



September 8, 2022

Mr. Ray Curry  
UAW International Union  
Solidarity Hours  
8000 East Jefferson Ave.  
Detroit, MI 48214

Dear Mr. Curry:

This relates to your letter, dated August 22, 2022, requesting that, following the Arbitrator's ruling, GM offer Mutually Satisfactory Retirement ("MSR") under the General Motors Hourly-Rate Employees Pension Plan ("Plan") to certain employees from the following plants: Lordstown Assembly, Baltimore Transmission, and Warren Transmission. Based on a more recent conversation on September 2, 2022 with Abigail Carter and Bill Karges, it is our understanding that the request has been clarified to more specifically request: (1) MSR availability under the 50 and 10 provision identified in Article II, Section 2(b) of the Plan; and (2) that affected employees be provided the opportunity to "grow into" the age eligibility requirement of the 50 and 10 provision.

The Plan is subject to the Employee Retirement Income Security Act of 1974, as amended ("ERISA") and the Internal Revenue Code of 1986, as amended. As such, it must be administered in accordance with its stated terms. As you are aware, and as the Arbitrator rightfully determined, the Plan Administrator makes MSR determinations. Under Section 1 of Article VI of the Plan, the full authority to construe, interpret and administer the Plan is conferred on the Plan Administrator. After a thorough review of the terms of the Plan, the Plan Administrator has determined that MSR is not available as you requested for the reasons outlined below. An explanation of "growing into" the 50 and 10 provision is also provided below.

Section 2(b) of Article II of the Plan provides:

An employee who has attained age 55 (age 50 for an employee who is laid off on or after October 1, 1984 as a result of a plant closing where no other Company plants are in the same geographical area) but not age 65 and who has 10 or more years of credited service may be retired under mutually satisfactory conditions as set forth hereinafter in the Standards applicable to such retirement.

(emphasis added)

Section B of the Standards for Application of Provisions Regarding Retirement Under Mutually Satisfactory Conditions further provides:

An employee who is laid off from their last GM employment:

Retirement under mutually satisfactory conditions will be available to an employee who is laid off (i) as a result of a plant closing or discontinuance of operations, or (ii) whose layoff appears to be permanent, and in either case has not been offered suitable work by the Company in the same labor market area in which the employee was last employed by the Company.

(emphasis added)

As you can see, the 50 and 10 Plan provision specified above requires a plant closing and an affected employee to be laid off. These eligibility conditions were not met with respect to the locations in question as there was no plant closing during the period in question. To the extent that you are relying on it, the Arbitrator also determined that there were no plant closings. In fact, he determined the Company "idled" the plants (Lordstown beginning on March 8, 2019, Baltimore beginning on May 3, 2019, and Warren beginning on August 1, 2019).

Moreover, individuals who accepted an offer to work at other GM locations while the plants were idled and prior to being closed were no longer on lay off status and were not eligible under the MSR (age 55 with 10 years of service) provisions. Also, impacted employees from the former Warren Transmission plant (determined by the Arbitrator to have been idled, not closed, on August 1, 2019) were not eligible for MSR benefits because they were offered jobs within the same geographical area. In addition, any employees remaining at Lordstown and Baltimore were offered an MSR under the 50 and 10 provision identified in Article II, Section 2(b) of the Plan after the 2019 Agreement was ratified, since those plants were then deemed closed plants.

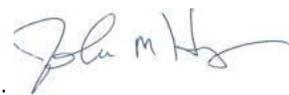
Affected employees at Lordstown and Baltimore who had at least 10 years of credited service and were laid off at the time of a plant closing, declined a job offer in another market and who remain on an unpaid leave of absence may choose to stay on such leave until they attain (i.e., grow into) age 50. It is important to note that individual participants will no longer accrue additional years of credited service under the Plan.

We are treating your letter as an inquiry and not an active claim for benefits by Plan Participants as we are not aware of any individual claimants who have requested an MSR. Please note that Participants may file a claim for benefits under the terms of the Plan and are entitled to submit a claim under the appeal procedures. Any such claims will be reviewed by the Plan Administrator in accordance with Plan terms and the requirements of ERISA.

Regards,

General Motors LLC (Plan Administrator)

By:



John M. Hater

Its: Director, Global Benefits

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**general motors**

313.556.5000 / 300 Renaissance Center / Detroit, MI 48265 / [www.gm.com](http://www.gm.com)



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INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA – UAW

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RAY CURRY, *PRESIDENT* • FRANK STUGLIN, *SECRETARY-TREASURER*  
VICE-PRESIDENTS: CHUCK BROWNING • CINDY ESTRADA

October 7, 2022

John M. Hater, Director, Global Benefits  
General Motors LLC (Plan Administrator)  
300 Renaissance Center  
Detroit, MI 48265

**RE: Mutually Satisfactory Retirements – Baltimore, Lordstown and Warren**

Dear Mr. Hater:

I am writing in response to your letter dated September 8, 2022. We disagree with your characterization of the arbitrator's decision and your analysis of the collectively bargained Mutually Satisfactory Retirement (MSR) benefit – including, among other things, your inexplicable failure to address the fact that, although there was a discontinuance of operations, employees from Lordstown and Baltimore (and some from Warren) were not offered either suitable work by the Company in the same labor market area, or an opportunity to apply for MSR benefits.

You write that Participants may file a claim for benefits, but many have attempted to do just that consistent with the long-established practices under the pension plan. Fidelity, however, continues to prevent them from initiating a claim by refusing to provide the required paperwork or otherwise providing instructions on how to initiate a claim. Also, as you know, if benefits are to be denied, participants are entitled to a written determination from the Plan. ERISA requires that plans be administered in a way that does not unduly inhibit or hamper the initiation or processing of claims for benefits. So far, the Plan has not met that simple standard.

Please explain how Participants should file a claim for benefits that the Plan will accept and then process.

Sincerely,

Ray Curry

International UAW President and  
Director of the General Motors Department

RC/mcl:opeiu494

cc: IEB  
Zach Adams  
Tim Bressler  
Todd Brien  
Abigail Carter  
Nicole Current  
Bryan Czape  
Sandra Engle  
Bill Karges

Rick O'Donnell  
Mike Perez  
Steve Sferra  
Dave Shoemaker  
Regional Assistant Directors  
Regional Servicing Representatives  
All UAW General Motors Department Staff  
All General Motors Union Presidents  
All General Motors Union Chairpersons



November 17, 2022

Mr. Ray Curry  
UAW International Union  
Solidarity Hours  
8000 East Jefferson Ave.  
Detroit, MI 48214

Dear Mr. Curry:

This is in response to your letter dated October 7, 2022.

As indicated in our letter dated September 8, 2022 (copy attached), the General Motors Hourly-Rate Employees Pension Plan ("Plan") is an ERISA plan that must be administered in accordance with its stated terms. The Plan terms applicable to Mutually Satisfactory Retirement ("MSR") benefits are: (1) Article II, Section 2(b) of the Plan, and (2) Section B of the Standards for Application of Provisions Regarding Retirement Under Mutually Satisfactory Conditions ("Standards"). MSR benefits are available under the Plan only if the specific eligibility requirements are met.

### Plan Terms

Article II, Section 2(b) of the Plan specifies the age (age 55) and service (10 years) eligibility criteria for early retirements under mutually satisfactory conditions and expressly states that only employees laid off as a result of a "plant closing" are eligible at age 50 for MSR benefits:

"An employee who has attained age 55 (age 50 for an employee who is laid off on or after October 1, 1984 as a result of a plant closing where no other Company plants are in the same geographic area) but not age 65 and who has 10 or more years of credited service may be retired under mutually satisfactory conditions as set forth hereinafter in the Standards applicable to such retirement." (emphasis added),

The Standards set forth the following requirements for application of Article II, Section 2(b) for employees who meet the MSR age and service eligibility criteria. For participants "laid off from their last place of GM employment," retirement under MSR will be available to an employee who is laid off as a result of:

1. A discontinuance of operations, or plant closing (as applicable); or
2. Whose layoff appears to be permanent, and in either case
3. Has not been offered suitable work by the Company in the same labor market area in which the employee was last employed by the Company.

The Standards do not alter the age and service eligibility criteria set forth in Article II, Section 2(b). Accordingly, MSR benefits are available to an employee who attains either:

1. Age 55 with 10 years of service, is on layoff as a result of a discontinuance of operations, or a layoff which appears permanent, and has not been offered suitable work in the same labor market area, or
2. Age 50 with 10 years of service, is on layoff as a result of a closed plant, and has not been offered suitable work in the same labor market area.

### Arbitrator's Decision

The Arbitrator's Phase I Award expressly held that GM "idled" the former Lordstown Assembly Plant (March 8, 2019), Baltimore Transmission Plant in White Marsh, Maryland (May 3, 2019), and Warren Transmission Plant (August 1, 2019), which he determined violated Document 13 of the National Agreement between the UAW and General Motors LLC.<sup>1</sup> The Arbitrator specifically held those plants were "idled" and not "closed" on the dates indicated. The Arbitrator's determination that the plants were idled is dispositive for application of the Plan terms defining MSR eligibility.

### Application of Plan Terms

In accordance with the Plan terms and Standards, the following summarizes how the MSR provisions apply to the specific circumstances at the Lordstown Assembly, Baltimore Transmission, and Warren Transmission plants during the period in question:

- Individuals who were eligible while permanently laid off or while the plants were idled (discontinuance of operations) and prior to being closed, but who accepted an offer to work at other GM locations were not eligible for retirement under an MSR. Because those individuals accepted work in another labor market, they were no longer laid off from their last place of employment.
- Impacted employees from the former Warren Transmission plant were not eligible for MSR benefits because they were offered jobs within the same labor market.
- Eligible Lordstown Assembly and Baltimore Transmission employees who qualified for an MSR were not denied the opportunity to apply for such MSR. In fact, a number of eligible employees at these locations applied for and were granted retirement under the MSR 55 and 10 provisions.
- Any employee remaining on layoff at Lordstown Assembly and Baltimore Transmission after the 2019 Agreement was ratified were offered an MSR under the 50 and 10 provisions, since those plants were then deemed closed plants. As also previously noted, remaining employees still on layoff at Lordstown Assembly and Baltimore Transmission may become eligible for an MSR under the 50 and 10 provisions if they remain on layoff until attaining age 50 contingent upon having at least 10 years of credited service (as outlined in the attached letter).

The foregoing treatment is consistent both with Plan terms and past practice. For example, employees at Janesville Assembly, Shreveport Operations and Spring Hill Assembly plants were

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<sup>1</sup> See Arbitrator's Phase I Award (p. 38): "3) a) GM idled the Lordstown, Ohio Plant on March 8, 2019, in violation of the October 25, 2015 Document 13 letter"; "4) a) GM idled the White Marsh, Maryland Plant on May 03, 2019, in violation of the October 25, 2015 Document 13 letter; " and "5) a) GM idled the Warren, Michigan Plant on August 1, 2019, in violation of the October 25, 2015 Document 13 letter."

eligible to retire under the 55 and 10 MSR option but were not eligible under the 50 and 10 MSR option until the respective plants were updated to closed plant status.

Claim Process

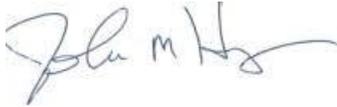
Affected employees from the Lordstown Assembly, Baltimore Transmission and Warren Transmission plants who believe they have a claim for eligibility under the MSR provisions may file a claim for benefits by writing to:

GM Benefits & Services Center  
PO Box 770003  
Cincinnati, OH 45277-0070

Each individual claim will be evaluated and processed by the Plan Administrator.

Regards,

General Motors LLC (Plan Administrator)



By: \_\_\_\_\_

John M. Hater  
Its: Director, Global Benefits