

## ADJUDICATIONS OFFICER

APPEAL OF: JAMES COAKLEY

UNITED STATES OF AMERICA  
Plaintiff,

Case No. 20-cv-13293 (E.D. Mich.)  
Gil M. Soffer, Adjudications Officer

v.

INTERNATIONAL UNION, UNITED  
AUTOMOBILE, AEROSPACE, AND  
AGRICULTURAL IMPLEMENT WORKERS  
OF AMERICA  
Defendant.

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### DECISION

(Issued April 22, 2022)

Pursuant to Paragraph 47 of the Consent Decree in the above-captioned case, the Adjudications Officer considers the appeal from James Coakley, received on April 13, 2022, of the Monitor's action related to whether retired union members in good standing are eligible to run for International Office. The Monitor found that the UAW Constitution was ambiguous with respect to this question, referred the question to the International Executive Board ("IEB") President, and enforced the President's Interpretation in declaring Mr. Coakley, a retired union member, ineligible to run. On appeal, Mr. Coakley argues that the Constitution is unambiguous in allowing retirees to run. For the following reasons, the Adjudications Officer **AFFIRMS** the decision of the Monitor.

### STANDARD OF REVIEW

Appeals from a Monitor's decision regarding candidate eligibility are reviewed under the standards applicable to federal appeals. Consent Decree ¶ 47. Consistent with the standard of review in the Sixth Circuit, the Adjudications Officer on appeal reviews legal questions *de novo*,

without deference to the decision of the Monitor. *See, e.g., Byers v. United States Internal Rev. Servs.*, 963 F.3d 548 (6th Cir. 2020).

## **BACKGROUND**

As envisioned in Paragraph 8 of the Consent Decree, in 2021, the UAW held a referendum through which members voted to change the method of electing IEB members. Consistent with Paragraph 13 of the Consent Decree, the Monitor, in consultation with the UAW, then began to develop rules regarding electing members to the IEB through direct election. As part of those discussions, the Monitor became aware that certain retirees planned to run for election to International Office. The Monitor requested and received feedback from UAW General Counsel on the question of whether retirees could hold IEB offices. Monitor Ex. 7. UAW Counsel opined that retirees were ineligible under existing Union law as IEB Members are directly involved in collective bargaining, and a prior Constitutional Interpretation barred retirees from holding local union office with responsibilities over grievances or bargaining. *Id.* (citing Article 6, Section 19(3) Interpretation). After reviewing the UAW Constitution and Interpretations, relevant decisions from the Public Review Board (“PRB”), and the UAW’s past practices, the Monitor determined that it was ambiguous whether the Constitution permitted retirees in good standing to run for International Office.

On March 15, 2022, the Monitor requested that IEB President Raymond Curry issue an Interpretation on retiree eligibility to run for International Office, citing Article 13, Section 8, of the UAW Constitution. Monitor Ex. 10. In response, Curry issued an inter-office memorandum adopting two Constitutional Interpretations prohibiting retired members from holding International Office and requesting that the IEB review and consent to the Interpretations under Article 12, Section 6, of the UAW Constitution. Coakley Ex. 2; Monitor Ex. 6. The identical

Interpretations, adopted under Article 6 (Membership), Section 19, and Article 10 (Officers and Elections), Section 6, read:

(4) Eligibility of Retired Members to Run for International Executive Board Offices (International President, International Secretary-Treasurer, International Vice-Presidents or Regional Director)

Retired members are ineligible to be nominated, run for, or be elected as an International Executive Board Member (an elective officer of the International Union or International Executive Board Member as identified in Article 10, Section 1 and Article 10, Section 21 of the International Constitution) as all such International Executive Board Member positions carry collective bargaining and grievance handling responsibilities. (Detroit, 4/1/2022, Page xxx.)

In an April 2, 2022 meeting, the IEB consented to these Interpretations. Letter from L. Day to Adjudications Officer, April 19, 2022, at 4; Coakley Appeal, at 1.

The Monitor advised Mr. Coakley of the Constitutional Interpretations on April 6, 2022. Coakley Ex. 1; Monitor Ex. 5. The Monitor further notified Mr. Coakley that, based on the Constitutional Interpretations, the Monitor would find a retired member seeking to be vetted as a candidate for International Office ineligible to run. *Id.*

Mr. Coakley appealed the Monitor's decision to the Adjudications Officer in an appeal received on April 13, 2022. Mr. Coakley's appeal, the Monitor's letter to the Adjudications Office in response, the materials the Monitor considered in reaching its decision, and relevant PRB decisions form the basis for review in this appeal.

## **DISCUSSION**

As Mr. Coakley correctly observes, the UAW Constitution does not explicitly bar retired members from running for or holding International Office. Mr. Coakley contends that the Constitution's silence on the issue should be understood as permitting retired members to hold such office, especially given the Constitution's express language in Article 6, Section 19, barring

retired members from voting in certain other elections. Coakley Appeal, at 6. The relevant portion of Article 6, Section 19, reads:

Any member in good standing who is retired, shall be entitled to a “retired membership status” which, without being required to pay membership dues during the period of such retirement, shall entitle her/him to all of the privileges of membership except the right to vote in elections conducted pursuant to Article 19, Section 3; Article 45, Section 2; and Article 50, Sections 1 and 5.

Under this provision, retirees are expressly prohibited from voting in connection with: (i) contract negotiations with employers (Article 19, Section 3); (ii) elections of stewards and committeepersons (Article 45); (iii) requesting strike authorization from the IEB (Article 50, Section 1); and (iv) ending a strike (Article 50, Section 5). As Mr. Coakley highlights in his appeal, none of these provisions expressly considers whether retirees are entitled to hold International Office. Coakley Appeal, at 6.

The Monitor acknowledges that the Constitution contains no express prohibition on retired members running for International Office. But the Monitor points to a Constitutional Interpretation and PRB decisions “that have deemed retired members ineligible for certain rights or offices in similar contexts.” Letter from L. Day to Adjudications Officer, April 19, 2022, at 2. Most notably, in 2002, the UAW adopted a Constitutional Interpretation under Article 6, Section 19, and Article 45, Section 1, to clarify that “[r]etired members are ineligible to run for any local union position which carries responsibility for grievances and/or bargaining required by the Collective Bargaining Agreement(s) or local union bylaws.” UAW Const. art. 6 § 19(e) Interpretation (2002).

Even before that Interpretation, the PRB “found that the language of Article 6, § 19, by excluding retirees from elections conducted pursuant to Article 19, § 3; Article 45 § 2; and Article 50, §§ 1 and 2, evinced the Constitutional framers’ intent to exclude retirees as a class from participation in all aspects of the collective bargaining and contract administration process.” *King*

*v. Local Union 600 Exec. Bd., UAW*, PRB Case No. 1499 (Sept. 19, 2005) (citing *Hawkins v. Local Union 7, UAW*, PRB Case No. 1283, at 5 (Jan. 28, 2000)). The question of influence over collective bargaining and grievance handling has featured prominently in other PRB decisions on UAW retiree eligibility as well. See *Rhoden v. Local Union 723 Exec. Bd., UAW*, PRB Case No. 1834 (June 28, 2021) (finding that retirees could hold the position of Local Financial Secretary-Treasurer where that office did not have grievance handling or collective bargaining functions); *Pearson v. Local Union 140, UAW*, PRB Case No. 1534 (Feb. 15, 2006) (finding that retiree could be barred from running for Local Union President where that role had collective bargaining responsibilities).

While these decisions involved only local office elections, dicta from those cases suggest potentially broader application. In *Rhoden*, the PRB noted that “[t]he UAW has a long-standing policy barring retired members from holding union offices which require bargaining or grievance handling.” PRB Case No. 1834, at 8. In *King*, the PRB observed that “[t]he International Union’s policy forbidding retirees from holding offices which involve collective bargaining duties applies to any office, not only those described in Article 45.” PRB Case No. 1499, at 9. And in *Pearson*, the PRB noted that the appellant retiree “ha[d] not cited any instances where a retired member has been allowed to run for executive offices that involve bargaining responsibilities since the International Union adopted the rule applied to Hawkins in 1999.” PRB Case No. 1534, at 7.

Moreover, the logic articulated in these decisions arguably applies beyond local office-holders. The *Rhoden* court explained that “the constitutional policy of barring retired members from holding union offices which require bargaining or grievance handling reflects a concern to avoid even the possibility or appearance of conflict.” *Rhoden*, PRB Case No. 1834, at 12. Likewise, the PRB in *Pearson* restated, without comment or criticism, the Union’s position that “[r]etired

members are not as accountable to the current Union membership as active ones. They may be less accessible. They may also be more prone to represent the interests of other retired members instead of current members.” PRB Case No. 1534, at 7–8.

Another PRB case invoked the same logic in evaluating an agreement negotiated by the International Union. In *Henderson v. Nat’l Gen. Motors Dept. Region IC, UAW*, a retired union employee contended that health care benefits designated for retirees under the GM-UAW National Agreement violated federal law and the UAW Constitution. PRB Case No. 1568 (July 20, 2007). The retiree argued, among other things, that the Union’s bargaining policies were inconsistent with its purpose as an institution. *Henderson*, PRB Case No. 1568, at 13. The PRB disagreed, citing with approval the International Union’s concern that “its bargaining policies are designed primarily for active employees whose interests may be at odds with those of retirees.” *Id.* Finding the Union’s concerns justified, the PRB explained that “the current generation of union members has embraced a less adversarial approach to bargaining in recognition of the Union’s and the Company’s shared interests. *The Constitution excludes retirees from influencing the collective bargaining negotiations because, as a general rule, retirees are no longer greatly affected by such negotiations.*” *Id.*, at 14 (emphasis added). Ultimately the PRB found it was precluded by the Constitution from reviewing the matter because it involved collective bargaining policy. The explanations provided by the PRB, however, make clear that concerns about retiree influence over collective bargaining may rise above the local union level.

In describing the role of International Officers, the UAW Constitution includes functions that relate to both collective bargaining and grievance handling. Among other provisions, the Constitution:

- provides that an IEB member “shall examine all contracts negotiated within her/his region before they are signed and submit them to the International Executive Board with her/his recommendation, negotiate disputes with the bargaining committees wherever possible, act to obtain favorable legislation for labor and work for the general welfare of the membership” (UAW Const. Art. 13 § 25);
- tasks the IEB with setting up national bargaining councils where multiple Local Unions may be involved in negotiating and bargaining with a major corporation (UAW Const. Art. 20);
- provides that “[w]hen a grievance exists between a Local Union and management and negotiations are in progress and an International Union Officer or representative is participating by request of the Local Union involved, a committee selected by the Local Union shall participate in all conferences and negotiations. Copies of all contracts shall be filed with the International Secretary-Treasurer” (UAW Const. Art. 19 § 2); and
- prescribes a method through which members can appeal grievances or disputes to the IEB (UAW Const. Art. 33).

Taken together, the 2002 Constitutional Interpretation, related PRB cases, and the Constitution itself can be read to suggest that retired members are ineligible to run for International Office. That is not to say that these authorities clearly stand for this proposition, given their focus on local and not international union office. But viewed in their totality, together with the logic underlying them, these sources introduce ambiguity as to whether the Constitution allows retirees to hold International Office. Accordingly, the Adjudications Officer agrees with the Monitor’s

assessment that the Constitution is ambiguous as to whether retirees are eligible for International Office.

Article 13, Section 8, of the UAW Constitution sets forth a procedure for resolving questions involving constitutional interpretation:

The International President shall decide disputes or questions in controversy, including all questions involving interpretation of this Constitution, except such cases as follow the procedure and conditions as outlined in this Constitution; all her/his decisions being subject to appeal, first to the International Executive Board and then to the Convention. Notice in writing of appeal of any decision of the International President must be filed with the International Secretary-Treasurer and the International President within thirty (30) days from date of decision.

Here, upon finding ambiguity such that referral was appropriate, the Monitor followed the process outlined in the Constitution and referred the question to the IEB President, who adopted an Interpretation on March 24, 2022, determining that retirees were not eligible to hold International Office. Monitor Exs. 10, 6.

Consistent with his mandate in the Consent Decree, the Adjudications Officer's review is limited to the action taken here by the Monitor—namely, finding that the UAW Constitution was ambiguous as to whether retirees are eligible for International Office, referring the question to the IEB President, and enforcing the President's Interpretation in declaring Mr. Coakley ineligible to run. The Monitor made no finding about the correctness of the President's Interpretation, nor has the Adjudications Officer. The Constitution outlines a separate mechanism through which a member can challenge such an Interpretation. UAW Const. Art. 12 § 6.

## CONCLUSION

For the reasons given above, the Monitor's decision is **AFFIRMED**.