

DETROIT REVOLUTIONARY MOVEMENT RECORDS

BOX 5 OF 16

FOLDER 2

CHRYSLER DETROIT FORGE
WILDCAT STRIKE 1974

GLOTTA, ADELMAN, DINGES, TAYLOR, DAVIS AND MIDDLETON, P. C.

FOURTH FLOOR, HARTZ BUILDING / 1529 BROADWAY / DETROIT, MICHIGAN 48226

313/964-1190

September 15, 1974

MICHAEL ADELMAN
HUGH M. DAVIS
ROBERT J. DINGES
RONALD D. GLOTTA
DIANE L. MIDDLETON
H. JOHN TAYLOR

EDWARD ANDERSON
THERESA A. DEMAGGIO
JOAN B. HOWELL
FRANK T. MACIOSZCZYK
IVY THOMAS RILEY
DAVID B. SEALS
GRACIE WOOTEN

TO: Riley, Dinges, Davis, Seals, Anderson,
Glotta, and Middleton

FROM: John Taylor

RE: Decision on the Forge Plant Wildcat Strike

Attached is a copy of the Umpire's Decision in the Forge Plant firing. We need to discuss this because the Forge Employees are rather upset and want to discuss it further with us regarding any further possible action that might be taken.

There are several things about this Decision that strike me immediately. The first, and primary, thing is the brevity of the Decision. Prior Decisions by Gabriel N. Alexander concerning work stoppage cases have been quite lengthy and have contained extensive reviews of the facts and circumstances of each case and an extensive analysis of the contract provisions and of the trend of the "law of the contract" considering work stoppages. It appears that Gabriel Alexander (who is the permanent Chrysler Umpire) is no longer devoting extensive analysis to these cases but instead is strickly construing the contract and making more or less a summary disposition of the cases. For example, there was no discussion of the whole issue on Health and Safety and working conditions as was contained in the Sims Decision and in the Elden Workers Safety Committee Decision in terms of overall motion this means that the contract will be strickly enforced and represents further erosion of the right to strike.

I notice also in the last paragraph of page 2 where the Union's argument is summarized that apparently the Union did not make a Section 502 argument as such.

Also on page 2 in the first full paragraph, we find the phrase "and perhaps some outsiders". Which, given the overall brevity of the Opinion acquires some importance and indicates as a state of mind of the Umpire regarding "outside" support of any strike, i.e. that he will not be viewed with favor of any sort.

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RE: Decision on the Forge Plant

I would like to know to what extent the company was able to get such information into the record of this Arbitration without any opposition from the Union because the testimony at the Unemployment Compensation Hearing did not indicate the presence "outsiders" during the initial stages of the strike, or indeed any great numbers in any point of it.

The Umpire also indicates that Thomas Stepanski appeared "confused as to times and places" and from this he draws the conclusion that Tom was not telling the truth. I do not think that follows, and I think the question should be raised with the Union as to why that "confusing" was allowed to occur.

I am not sure what more can be done in this case. The Unemployment Compensation case is on Appeal and we are awaiting arrival of the transcript so that we can write a brief. There is an OSHA complaint outstanding but does not appear that that Agency is able or willing to move although there is some indication from the workers that they would like to continue to press on it.

JOHN TAYLOR

JT/ftm

Enclosure

18. mms
Appeal Board of the:

Chrysler Corporation

and

International Union, United
Automobile, etc., Workers
of America

SEP 13 RECD

August 30, 1974

Cases Nos. 6887, 6889,
6898-1974:5

Discipline: Unauthorized
Stoppage; Picketing and
Leadership

DECISION BY GABRIEL N. ALEXANDER, IMPARTIAL CHAIRMAN

Original Grievances

Local Union: No. 47
Plant: Detroit Forge
Grievance Nos. 72-222, 224, 234

Date Presented:
August 24, 1974

(The texts of the three grievances vary. Each protests the discharge of the named Grievants, K. Williams in 72-222, Thomas Stepanski in 72-224 and Jerome Scott in 72-234. Each grievance requests reinstatement and reimbursement to be made whole for lost time. Each also asserts a "denial of all charges" or words to that effect.)

Statement of the Case

These three discharge cases have been combined for presentation and disposition because they arise from the same general circumstances. Grievants, Williams, Stepanski and Scott, were discharged for their activities in connection with an unauthorized work stoppage that occurred at the Detroit Forge

Plant commencing on Tuesday, August 7, 1973 and continuing for the rest of that week. Notices of discharge were issued dated 8-13-73, effective on 8-9-73 as to Scott, and on 8-10-73 as to Stopanski and Williams. Each notice recites as the reason for discharge:

"Violation of Section 5, National Production and Maintenance Agreement, leadership roll in unauthorized strike and picketing on August 7, 8, 9, 1973, past record and other misconduct."

It is undisputed that a wildcat strike did occur at the Detroit Forge Plant beginning at the start of the night shift on Tuesday, August 7, 1973. There is evidence that at a meeting attended by some local union members on Monday or Tuesday, the idea of causing an immediate work stoppage was argued pro and con, and that despite statements and efforts by Local Union Officials to confine their activity to legitimate courses, dissident employees, and perhaps some outsiders, assembled at or near plant entrances Tuesday night and by means of verbal and physical manifestations succeeded in disrupting normal attendance and scheduled production. Picketing activities continued for several days, thereafter, despite attempts by Management and Union representatives to dissuade those engaged in them, and despite the issuance and serving of injunctions or court orders that such activity cease. Chrysler alleges that Grievants prolonged the stoppage by specific acts of leadership as hereinafter described.

The Union's argument in defense of Grievants, Williams, Stopanski and Scott, is substantially this: Grievants did not cause the plant to be shut down and did nothing which constitutes a violation of Section 5 of the National Agreement. Rather the stoppage which did occur was a spontaneous reaction on the part of employees to unhealthy and unsafe conditions in the plant. But, even if it be held that Grievants acted in violation of Section 5, their discharges should be rescinded or modified because they acted in good faith on the basis of their belief that working conditions were unduly hazardous.

Discussion and Conclusions

1.

As I have attempted to make clear in prior decisions, whatever may be argued in defense of an employe who individually omits or refuses to perform his assigned job on the basis of his belief that it is unduly hazardous, the planning, advocating, participating, leading or other furtherance of a group strike or stoppage because of alleged unsafe working conditions must be carried out in accordance with the terms of the applicable labor agreements if those who engage in such activities are to be absolved of punishable fault by the Chairman. See Decisions Nos. 1971:5 and 1974:4. In this case, as in prior cases, I must reject the Union's argument that employes who willfully engage in unauthorized stoppages of work or other activity prohibited by Section 5 of the National Agreement, are not guilty of misconduct simply because they acted pursuant to their belief that plant conditions were unsafe or unhealthy.

2.

The evidence presented in this case convinces me that Grievants did in fact willfully engage in a work stoppage in violation of Section 5 of the National P & M Agreement, and that in addition they committed affirmative acts of leadership which had the effect of strengthening and prolonging the stoppage. The following are my findings of significant fact in those respects:

As Karl Williams admitted, I find that he was present at various plant entrances or gates on several occasions during the stoppage and that on one occasion at least, he was carrying a picket sign. Moreover, Company witnesses testified credibly that they observed him committing other acts of leadership such as turning back persons who approached to enter the plant, and arguing with Union representatives who were trying to terminate the stoppage and dissuade the pickets.

As Thomas Stepanuki admitted, I find that from time to time during the stoppage, he was present at plant entrance-ways in company with other pickets and that he spoke to employes

or others as they approached, and informed them that no one was working. He also admitted that at one point he contradicted or challenged International Union Representative Hughes when the latter tried to inform strikers and pickets that the stoppage was unauthorized and should be terminated. Moreover, Chrysler Supervisors testified that they observed Stepanski physically blocking or obstructing a plant entranceway and telling employes that they should not enter the plant to work. I credit that testimony. Grievant Stepanski was confused in his testimony about dates and times of events. My impression is that he was not telling the truth to the best of his recollection.

Jerome Scott admitted and I find that he acted as a picket and distributed picket signs to others, and at one time hung a sign on a fence to display it. He confirmed the testimony of Supervisor Regmont that during the afternoon of August 9, he, Scott, was one of a group of pickets who stopped Regmont from entering the main gate and gave Regmont directions as to which gate he was to enter. Scott also confirmed the testimony of Personnel Manager Henn to the effect that on the morning of August 9, he Scott, acted as a spokesman to voice complaints regarding the conditions of health and safety in the plant. Mr. Henn testified that Scott informed him that he and other employes would not wait until the Union processed safety complaints in conformity with the contract, but would remain on strike until their demands were met by Management. I credit that testimony. It is consistent with Scott's admission that he refused to comply with a restraining order which was served upon him.

3.

On the foregoing findings I am constrained to deny the grievances. I am satisfied that Grievants were active leaders of the stoppage, and were not mere participants.

Decision

The grievances are denied.

August 30, 1974


Gabriel N. Alexander, Impartial Chairman