

Date: \_\_\_\_\_

To: Recording Secretary, and...  
Election Chairperson  
UAW Local \_\_\_\_\_

**RE: APPEAL OF 2015 GM-UAW RATIFICATION VOTE**

Dear Recording Secretary,

As a UAW member, and under the provisions provided for in the UAW Constitution Article 38, Section 11; on this date, I respectfully and formally appeal – in writing - the UAW ratification vote on the 2015 GM-UAW Agreement.

Whereas during the voting process of this aforementioned election, members hired after the effective date of the 2007 agreement who are **not** “Plan Participants” in the GM-UAW Pension Plan (Appendix A & B) were not only permitted, but also encouraged and incentivized to vote in this ratification vote.

It is, therefore, my position that it was improper to permit “Non Plan Participants” of the Pension Plan (Those members hired after the effective date of the 2007 GM-UAW Agreement) to vote on Pension Plan language. It is my further position that it is only proper to permit “Plan Participants” in the Pension Plan (Those members hired prior to the effective date of the 2007 GM-UAW Agreement) to vote on any and/or all parts of the GM-UAW Pension Plan.

I offer the following as foundation for the appeal this ratification vote:

1. Pension Plan “Plan Participants” are those GM-UAW members hired prior to the effective date of the 2007 GM-UAW Agreement.
2. The GM-UAW Pension Plan falls under the protections of ERISA, and the following is ERISA’s policy statement on the protection of “Plan Participants:
  - a. Title 29 USC 1001 (b) states (in part); “...It is hereby declared to be the policy of this chapter (ERISA et al) to protect interstate commerce and the interests of participants in employee benefit plans and their beneficiaries...”
3. In the decision of Supreme Court Case “Chemical Workers v Pittsburgh Glass, 404 U.S. 157 (1971) it states (in part): “Moreover, the risk cannot be overlooked that union representatives on occasion might see fit to bargain for improved wages or other conditions favoring active employees at the expense of retirees' benefits.”

4. The principle of prohibited and separated voting already exists within the UAW's GM contract ratification process. In that, non-skilled workers may not vote on skilled trades issues. I am further of the opinion that any reasonable person would also conclude that it is only fair, just and proper that Pension Plan voting be separated in the same way. That is, "Non Pension Plan Participants" be prohibited from voting on any and all Pension Plan issues, and that only "Plan Participants" in the Pension Plan be permitted to vote on any and all Pension Plan agreement language.
5. In my humble opinion, in the near future that it is highly possible that the aforementioned concerns of the Supreme Court in 1971 may become reality in the case of the GM-UAW Pension Plan. That is, if this voting injustice is not corrected by and through this appeal; it is highly possible that future union representatives may see fit to bargain for improved wages or other conditions favoring active employees at the expense of GM-UAW retirees' pension benefits.

It is my earnest desire to do the best for all members, and that this ratification vote appeal is fully representative of those desires

Thank you and the entire membership for your consideration of this appeal.

RESPECTFULLY APPEALLED

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Signature

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Date

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Printed Name