

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

**Young v. International Union United Automobile, Aerospace &  
Agricultural Implement Workers, Local 651**

686 F. App'x 304 (6th Cir. 2017) · Decided April 12, 2017

SUMMARY

The Sixth Circuit affirmed dismissal of claims by former Delphi employees against General Motors and the UAW concerning their classification as Tier-II wage employees after transfer to GM. The court held that only two employees timely pursued the required internal union appeal and that the remaining claims were barred by the six-month statute of limitations applicable to hybrid § 301 claims. It further held that the plaintiffs identified no contractual basis for Tier-I wages and could not maintain an independent fair-representation claim against the UAW.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                              |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States Court of Appeals for the Sixth Circuit                                                                                                                                                                                                                                                         |
| WRITING FOR THE COURT | Cook; Gibbons; Kethledge                                                                                                                                                                                                                                                                                     |
| JURISDICTION          | Federal                                                                                                                                                                                                                                                                                                      |
| DECIDED               | April 12, 2017                                                                                                                                                                                                                                                                                               |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | Forty-five plaintiffs appealed the Eastern District of Michigan's dismissal of their hybrid § 301 claims against General Motors and the UAW, dismissal of their purportedly independent duty-of-fair-representation claim against the UAW, and denial of leave to amend on futility grounds.                 |
| STANDARD OF REVIEW    | De novo review of dismissal for failure to state a claim and denial of leave to amend on futility grounds; well-pleaded factual allegations are accepted as true and construed in the plaintiffs' favor.                                                                                                     |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                                                                                              |
| PARTIES               | Earline Young and forty-four other General Motors employees v. International Union United Automobile, Aerospace and Agricultural Implement Workers of America, Local 651, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Kim F. Ebert, General Motors, LLC |

## TOPICS

labor law employment law statute of limitations motions to dismiss appellate procedure

## PRACTICE AREAS

labor law employment law civil procedure appellate procedure

## QUESTIONS PRESENTED

1. Whether the non-signing employees' hybrid § 301 claims were timely when they did not individually sign the UAW appeal and therefore did not toll the six-month limitations period.
2. Whether Marshall and Anderson stated a contractual basis for entitlement to Tier-I wages under the relevant Delphi-GM-UAW agreements.
3. Whether the proposed amended complaint would state a plausible contractual claim and therefore avoid denial of leave to amend on futility grounds.
4. Whether the employees could maintain an independent duty-of-fair-representation claim against the UAW despite alleging that the union mishandled a grievance concerning GM's alleged breach of collective bargaining agreements.

## HOLDINGS

1. Only Marshall and Anderson, who individually signed the internal union appeal as required by Article 33 of the UAW constitution, tolled the six-month limitations period. The other employees failed to exhaust the required union appeal procedure and filed their claims too late.
2. Marshall and Anderson failed to identify a contractual basis for Tier-I wages because the 2009 MOU assigned them a March 17, 2008 GM corporate seniority date, which postdated GM's Tier-II wage-system effective date, and the relevant agreements did not transfer their 2006 Delphi seniority dates to GM.
3. The district court properly denied leave to amend because the proposed allegations did not establish a contractual right to transfer the employees' Delphi seniority dates or otherwise overcome the 2009 MOU's assignment of a March 17, 2008 GM seniority date.
4. The employees could not maintain an independent duty-of-fair-representation claim because their allegations concerned the UAW's handling of a grievance asserting GM's breach of collective bargaining agreements and therefore constituted a hybrid § 301 claim.

## KEY QUOTATIONS

*“A hybrid § 301 claim consolidates “two separate but interdependent actions: one against the employer for breach of the collective-bargaining agreement and one against the union for breach of the duty of fair representation.””* (at 307)

*“Because the employees raise a “colorable allegation” that GM breached a collective bargaining agreement, jurisdiction lies under § 301, id. at 561, and they cannot avoid having to show breach-of-contract by “artfully pleading” their claim as independent”* (at 312)

## FACTUAL BACKGROUND

Delphi employees at the Flint-East plant were transferred to GM in 2009 after Delphi's Chapter 11 restructuring. Under a 2009 memorandum of understanding, most transferred employees received a March 17, 2008 GM corporate seniority date, while GM's two-tier wage system treated employees hired after October 15, 2007 as Tier-II employees. The employees challenged their Tier-II wages through a group grievance, but only Shante Marshall and Jakeiya Anderson individually signed the internal appeal after the UAW withdrew the grievance; the remaining employees did not comply with the UAW constitution's individual-signature requirement.

## PROCEDURAL HISTORY

Ninety-three Flint-East employees sued GM and the UAW, alleging that GM improperly paid them Tier-II rather than Tier-I wages and that the UAW breached its duty of fair representation. The district court dismissed the claims, holding that all but the two employees who signed the internal union appeal were time-barred, that the remaining plaintiffs lacked a contractual basis for Tier-I wages, and that the fair-representation claim was not independent of the alleged contract breach. The court denied leave to amend, and forty-five plaintiffs timely appealed.

## DISPOSITION

affirmed

## CASES CITED

- Miller v. Champion Enters. Inc., 346 F.3d 660, 671 (6th Cir. 2003)
- Bennett v. MIS Corp., 607 F.3d 1076, 1091 (6th Cir. 2010)
- First Am. Title Co. v. Devaugh, 480 F.3d 438, 443 (6th Cir. 2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Robinson v. Cent. Brass Mfg. Co., 987 F.2d 1235, 1238-39, 1242 (6th Cir. 1993)
- Courie v. Alcoa Wheel & Forged Prods., 577 F.3d 625, 630 (6th Cir. 2009)
- Roeder v. Am. Postal Workers Union, 180 F.3d 733, 737 (6th Cir. 1999)
- DelCostello v. Int'l Bhd. of Teamsters, 462 U.S. 151, 169 (1983)
- Adkins v. Int'l Union of Elec., Radio & Mach. Workers, 769 F.2d 330, 335 (6th Cir. 1985)
- Comm'r Money Ctr., Inc. v. Ill. Union Ins. Co., 508 F.3d 327, 335 (6th Cir. 2007)
- Rogers v. Bd. of Educ. of Buena Vista Sch., 2 F.3d 163, 167 (6th Cir. 1993)
- Burneson v. Thistledown, Inc., No. 06-3948, 2007 WL 1339839, at \*3 (6th Cir. May 7, 2007)
- Hammer v. Int'l Union, United Auto., Aerospace, & Agric. Implement Workers of Am., 178 F.3d 856, 858 (7th Cir. 1999)
- Dragomier v. International Union United Automobile, No. 4:11cv862, 2012 WL 6738766, at \*2-3, \*7-8 (N.D. Ohio Dec. 29, 2012)
- Van-Riper v. Local 14, International Union United Automobile, Aerospace and Agricultural Implement Workers of America, No. 3:13cv2101, 2015 WL 45533, at \*2-5 (N.D. Ohio Jan. 2, 2015)

- *Williamson v. Lear Corp.*, 183 F. App'x 497, 502 (6th Cir. 2006)
- *Pribyl v. Ford Motor Co.*, No. 14-CV-13791, 2015 WL 4183391, at \*6 (E.D. Mich. July 10, 2015)
- *Brown v. United Auto., Aerospace & Agric. Implement Workers of Am., Local 892*, 682 F. Supp. 901, 903, 904 n.2 (E.D. Mich. 1987)
- *Legutko v. Local 816, Int'l Bhd. of Teamsters*, 853 F.2d 1046, 1054 (2d Cir. 1988)
- *White v. Anchor Motor Freight, Inc.*, 899 F.2d 555, 559-562 (6th Cir. 1990)
- *Breining v. Sheet Metal Workers Int'l Ass'n Local Union No. 6*, 493 U.S. 67, 83 (1989)
- *Vencl v. Int'l Union of Operating Eng'rs, Local 18*, 137 F.3d 420, 425 (6th Cir. 1998)

---

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/sixth-circuit/2017/young-v-international-union-united-automobile-aerospace-and-d75g6rg0>