

## Employee's Complaint About Union Officials Watching Porn Is Deemed "Human Imperfection" But Not Grounds For Retaliation

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A union employee was suspended then terminated after being indicted – as part of an identity theft investigation by the prosecutor – which involved the public posting of names, salaries and Social Security numbers of the company's managers during a previous strike. During her suspension, the employee claimed that she witnessed the union president and vice president looking at pornography during business hours, which she then reported to the union's regional leaders. The employee also alleged that the union sabotaged her post-termination grievance process.

As a result, the employee sued the union under section 101 of the Labor-Management Reporting and Disclosure Act, alleging that she was retaliated against for raising a matter of union concern relating to the general interest of its members (i.e., her complaint about union officials watching porn during business hours). The Fourth Circuit found that the employee's complaint did not rise to the level needed to meet the test and added that "human imperfection must be kept in some perspective."

On Monday, the United States Supreme Court denied the employee's bid for certiorari. (see *Melissa H. Trail v. Local 2850 United Defense Workers of America et al.*, case number 13-332).

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