

Item 32 - Donald Smith

The record shows that Donald Smith had been a journeyman millwright at the plant for ten years and had had the UAW-GM lockout training in 1986; however, Smith had only been in the motor rail area for two or three days before the accident and had not worked there previously. (Tr. 176; 248; 322-23; 1116-17; 1323-24; G-17). Further, based on the testimony of employees such as Steven Greenwood, Ronald Jordan, Patrick Parker and James Roberts, at items 4, 31, 37 and 52, the equipment in the chassis area, Smith's previous area of assignment, is less complex than that in the body shop and the motor rail equipment in particular is complicated.

In addition to the foregoing, Gregory Beam testified he heard Smith complaining that evening to other millwrights about having to do a job he knew nothing about; Smith was worried about the job, and asked the other millwrights for their advice. (Tr. 652-53). Kenneth Thompson testified that Smith asked him if he had worked on the conveyor and wanted to know where it was, and Ronnie Wickware testified Smith asked him where the repair parts for the conveyor were and noted that "[i]t was like he was lost." (Tr. 1549-51; 1616). Smith also complained to Patrick Parker about having to work on equipment with which he was unfamiliar. (Tr. 1481).

In light of the above, it is clear that Smith was unfamiliar with the motor rail equipment, a conclusion supported by Parker's account of the accident set out in the discussion regarding items 53 through 57. Moreover, management was aware of this fact, based on the written statements two plant supervisors made right after the accident. Thomas Hendley, Smith's supervisor, noted in his statement that Smith had asked him where the replacement parts were. More significantly, James Brown, a tooling supervisor, noted in his statement that upon Smith's request he went with him to the conveyor to point out the bushing block, after which Smith stated: "I thought that was it but wasn't sure. I didn't want to get my damned head caught in that thing." See G-50-51.

On the basis of the record, it is apparent that Smith was an authorized employee exposed to hazards contemplated by the standard after January 1990 and that he was not retrained as required, particularly in view of the evidence that supervisors were aware he was not familiar with the motor rail equipment and was concerned about changing the bushings. GM's contentions in regard to this item are rejected, a violation of 1910.147(c)(7)(iii)(A) is established, and this item is affirmed.