

Safety Rule Dispute Resolution Process

Page 1: NYCT Rules & Regulations

Pages 2-4: TWU Local 100 Contractual Rights

Pages 5-7: NYCT Bulletin 75-23

Pages 8-9: SRDR Form & Procedure

Pages 10-15: Situation When To Use The SRDR

Page 16: Union Rep Contact Information



KNOWLEDGE IS POWER

RTO VP CANELLA GOMEZ



FOR A BETTER RTO



Scan QR Code above to access files listed*

- NYCT RULE BOOK
- DISCIPLINARY PROCEDURE MANUAL
- **✓ TWU LOCAL 100 CONTRACT**
- MOU'S 2005-2019
- **✓ TWU CONSTITUTION**
- ✓ TWU LOCAL 100 BYLAWS

TWU RTO REP CONTACT INFO

130 LIVINGSTON STREET (718) 694-4168/5827 (212) 712-4480

2 BROADWAY (646) 252-2925/2996



SECTION 1.9 - SAFETY COMMITTEE

A. The Authorities agree to continue to provide adequate, clean, safe and sanitary working conditions, in conformance with the minimum standards of applicable law.

B. The Authority will give consideration to the feasibility of conducting a training session for the Union's Safety Representatives and the appropriate supervisors and managers. At this training session, the Safety Representatives will be instructed to follow the contractual safety procedure; and to refer perceived safety violations to the attention of the Union's Safety Office and the appropriate managers at the location of the perceived violation.

C. The joint TA/TWU and OA/TWU Safety Committees shall be continued. The Committees shall have as their objective the continuation and improvement of practices designed to ensure safe working practices and conditions in the operation and maintenance of the facilities of the Authorities. The committee shall operate according to the following procedures:

1) Local Safety Committee

At the local level, the designated Union representative employed by the department at that location shall meet monthly with the responsibility center head to discuss safety issues of mutual 10

concern with no loss of pay to the Union representative. Either member of the Local Safety Committee may place items on the agenda for the monthly meeting. Written minutes of these meetings shall be kept and copies sent to System Safety, the department head and the TWU Director of Safety.

2) Departmental Safety Committee

Issues unresolved by the Local Safety Committee may be referred in writing, as required, to a Departmental Safety Committee composed of the department head and the corresponding TWU Vice President. The committee shall meet within forty-eight (48) hours (two work days) of receipt of a written request to discuss such unresolved issues.

3) Senior Labor-Management Safety Committee

Issues unresolved by the Departmental Safety Committee may be referred in writing, as required, to the Senior Labor-Management Safety Committee. The Committee shall be composed of the Authorities' Assistant Vice President, System Safety, and the TWU Director of Safety. The committee shall convene within forty-eight (48) hours (two work days) of receipt of the request for a meeting.

4) Presidential Review

Where the Senior Labor-Management Committee has been unable to resolve the safety concern submitted to it, the issue may be given directly to the Presidents of the Authorities and the Union for discussion and possible resolution.

5) Emergency Safety Issues

In emergencies, relevant Authority Senior Management will meet their counterparts from the Union (TWU Vice Presidents) to investigate emergency situations, day or night, and attempt to correct problems where possible. If not possible, the issue will be advanced to the Senior Labor-Management Safety Committee for review. The parties agree that where a resolution is not achieved after the Senior Labor-Management Safety Committee meeting, an expedited arbitration will be requested.

6) TWU Safety Committee

Five (5) representatives of the Union's choice may be released with pay for the purpose of prioritizing the Union's safety concerns which do not lend themselves to immediate resolution. These suggested priorities shall be forwarded to the Senior Labor-Management Safety Committee which shall review the suggested priorities and develop an action plan, if and as appropriate, for dealing with these concerns.

The five (5) full time safety union representatives will be provided the two (2) day Dupont Safety Training currently provided to managers and supervisors.

7) This procedure has been agreed to in order to facilitate the resolution of safety concerns and shall not be construed to waive the existing contractual or legal rights or either party

ATTACHMENT G

Safety Procedures

Memorandum of Understanding

In full settlement of all issues raised by Union and Management, the following has been agreed to by the parties subject to approval of the principals:

- Management agrees that departmental safety representative will not implement or publish new safety policies without prior approval of the Office of System Safety.
- 2) The Union may request its own safety expert to be present on Transit property to review a safety issue. In order to do so, the Union must give sufficient notice and demonstrate that the consultant is qualified as a safety expert in the appropriate field. Management agrees that access will not be reasonably withheld with the Unions understanding that the request or the presence of the expert on the property cannot be utilized to stop or interfere with the work that has been deemed by Management to be safe.
- 3) TWU Local 100 will receive the same telephonic call-in data which has been provided to NYC Transit's Department of Law, which includes the name of the employee, pass number, the Responsibility Center Number and a brief description of the accident.
- 4) NYC Transit will provide the following reports to TWU Local 100 Safety Department when issued:
 - Board of Inquiry Reports/ Notice of Hearing
 - TA Committee Reports
 - COLDER (Collision Department)
 - Annual Summary of Lost Time Accidents
 - Quarterly Near Miss Reports
 - Monthly Fire Reports
 - DOSH 900
 - Exposure Assessment Surveys
 - Outreach Programs Report
 - Product Evaluations
 - Asbestos and Lead Placards
 - Monthly Lost time Statistic Book
 - Hazard Assessments
 - Timely Notification of Accidents by Command or Control Center or Reporting Desk
- 5) The union will be provided with an opportunity to review and comment on new and revised policy instructions prior to their issuance. The Union will be permitted to preview and comment on newly proposed safety training program content. The Union agrees to provide its comments within a reasonable time period. The paragraph is not intended as a waiver of the Union's legal or other rights.

- 6) Safety issues related to substantial new projects in the Department / Division can be reviewed at the request of the Union at the monthly divisional safety committee meetings or as required. Management will give notice of such projects.
- 7) Section 1.9A shall be written to read: "The Authorities agree to continue to provide adequate, clean, safe and sanitary working conditions, in conformance with the standards of applicable law."
- 8) For the term of this contact, the following pilot program will be implemented:
 - a. An employee/gang that believes that he/she is being asked to perform a task that is in violation of the departmental or applicable Authority, wide safety rules or applicable law has the right to challenge the decision of the immediate supervisor. The challenge must be in writing on a form provided by NYC Transit and must identify the rule or standard that was violated. NYC Transit supervisors will carry such forms.
 - b. The supervisors must respond/resolve the issue in writing on the form. If the response/resolution is acceptable, the issue is resolved and both must sign the resolution.
 - c. If an employee/gang does not agree with the supervisor's response/resolution, a manager must be contacted to review the issue and determine who is correct. The Union will also be notified. If the employee/gang refuses the manager's decisions, appropriate action may be taken against the employee(s).
 - d. If the supervisor/manager fails to correct a valid safety condition, appropriate action will be taken against the supervisor/manager.
 - The form must be turned into a departmental review team and the TWU Safety Department for quarterly evaluation.
- 9) The parties agree to work together to ensure that the monthly safety walk around and/or meetings take place in accord with Section 1.19. It is the intent of the parties to achieve at all levels interface and cooperation between Union and Management concerning safety related issues.

This Divisional package is subject to an entire agreement on a successor agreement for the Transport Workers Union, Local 100.

/s/ RT		/s/ GD	
Roger Toussaint, President	Date	Lawrence G. Reuter, President	Date

For MTA NYC Transit

For Transport Workers Union, Local 100

SERVICE DELIVERY

BULLETIN



BULLETIN NO.: 75-23

(Supersedes Bulletin No.: 64-23)

May 1, 2023

TO:

ALL EMPLOYEES

SUBJECT:

SAFETY RULE DISPUTE RESOLUTION FORM

All Service Delivery supervisors are reminded to utilize the *Safety Rule Dispute Resolution Form* when **an hourly TWU-Local 100 represented employee or group of TWU-Local 100 employees** assert that they have been directed by a supervisor to violate a departmental or NYCT safety rule or law.

Forms can be obtained under Commodity Number 58-12-0075. Please continue to use the current form and forward to the updated emails below until the new version is available.

These forms **must** be made available *from the supervisor* at the work location to any TWU-represented employee who wishes to raise such an allegation. Only work relating to the allegation shall stop until the dispute resolution process is completed. All work not related to the allegation shall continue.

All written information should be as specific as possible. Refer to the attached sample of the form and instructions. Below is a summary of how the form must be utilized.

Section 1

- ✓ The employee who makes the allegation will complete this section. If a group of employees are asserting a violation, one employee shall complete the form on behalf of the group.
- ✓ The information must be as specific as possible to properly resolve the issue.
- ✓ After completing this section, the employee must give it to the supervisor identified on the form.

Section 2

- ✓ The supervisor and the employee must discuss the issue and the applicable rules.
- ✓ The supervisor will complete this section noting their explanation and/or actions, and if the employee agreed or disagreed. If agreement is reached work may resume.
- ✓ If the employee disagreed, the supervisor must note the disagreement. The concern must then be raised immediately to a manager (superintendent).
- ✓ Each employee will sign their names noting the time and date.

n No.: 64-23) Page 1 of 3



BULLETIN NO.: 75-23 (Supersedes Bulletin No.: 64-23)

Page 2 of 3

Section 3

- The manager must be contacted if the employee disagrees with the supervisor's explanations/actions.
- ✓ The manager must notify the Operations Control Center (OCC) and advise them to notify TWU at (347) 916-0579 immediately and proceed to interview the supervisor and employee, and render a decision in the matter. The interview may be conducted by telephone. If the issue is resolved, the manager must complete this section by the end of the shift.
- If the issue cannot be resolved by telephone, the manager must report to the location and complete this section immediately after rendering a decision.
- ✓ The decision of the manager is final and binding on both parties.
- ✓ The manager will direct the employee(s) back to work.

Section 4 (Distribution)

✓ The white copy is the supervisor/manager copy. This copy must be distributed via fax or email as follows:

Division Head:

Car Equipment: Siu Ko, Vice President & Chief Mechanical Officer

- Interoffice mail to 130 Livingston Street, Room 2015
- Fax to (718) 694-5353
- Emergency Response fax: 212-712-4752 / 4128

Electronics Maintenance: Robert Moakler, Chief Officer

- Email to Robert.Moakler@nyct.com
- Email to Mahendra.Singh@nyct.com

Elevators and Escalators: Stephen Carson, Chief Officer

- Email to Falguni.Patel@nyct.com
- Email to Damion. Thomas@nyct.com
- Email to Kenson. Thomas@nyct.com

Maintenance of Way (Electrical, Track, Infrastructure, Engineering): Dominick Gallo, Vice President & Chief Maintenance Officer

- Interoffice mail to 130 Livingston Street, Room 9061
- Email to Dominick.Gallo@nyct.com

Facilities (Station Maintenance, Facilities Operations, & Facilities Project Management): David Soliman, Vice President

- Email to David.Soliman@nyct.com and
- Interoffice mail to 2 Broadway, D29.02

BULLETIN NO.: 75-23 (Supersedes Bulletin No.: 64-23)

Page 3 of 3

Station Environment (Districts, Specialized Cleaning Unit): Sheila Hutson, Vice President & Chief Station Officer

- Interoffice mail to 2 Broadway, D11.125
- Email to Sheila.Hutson@nyct.com
- Email to Majella.Payne@nyct.com

Service Delivery: Herbert Lambert, Vice President & Chief Officer

- Email to <u>Herbert.Lambert@nyct.com</u>
- Email to Antonio.Sieunarine@nyct.com

Division Safety Office (DOS Safety):

- Interoffice mail to 130 Livingston Street, Room 7048
- Email to DOSSafety@nyct.com

Office of System Safety (OSS):

- Email to SRDRForm.OSSMailbox@nyct.com
- Email to Charlene.Calhoun@nyct.com

TWU:

- Email to Safety. Hotline@twulocal100.org
- ✓ The pink copy is the employee copy.

NOTE: A Divisional Review Panel convenes quarterly, chaired by the division heads, with representation from OSS to review the forms. Reports will be provided to the Subways Senior Vice President and Executive Vice Presidents and the OSS Vice President.

Line Managers and Train Service Supervisors must monitor for strict compliance with this directive.

Paul J. McPhee

Chief Öfficer, Field Operations Service Delivery

"EVERY SECOND COUNTS"

Attachment

BULLETIN NO.: 75-23 (Supersedes Bulletin No.: 64-23) Page 3 of 3

SAFETY RULE DISPUTE RESOLUTION FORM

This section is for the employee who is alleging a violation of a departmental or applicable NYC Transit-wide safety rule or a section of an applicable law.

An employee or group of employees directed by supervision to violate a departmental or applicable NYC Transit-wide safety rule or applicable law can utilize the following procedure in order to have the situation immediately reviewed by a supervisor and manager, if necessary.

If a manager is present when the issue is raised, the alleged violation need only be reviewed by the manager.

This procedure does not supercede or replace the provisions of the Collective Bargaining Agreement.

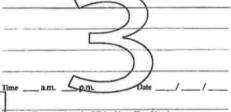
Employee Name	
Title	Pass #
Dept./Division	
Supervisor	Pass #
Date	Time
Task Being Performed	
Location	

describe the alleged violation. Indicate or describe the rule or standard being violated.

2. In this section the supervisor at the location must indicate what actions he/she took regarding the concerns that the employee has indicated. If the employee does not agree with the explanation or action, indicate what the disagreement is and refer the matter to a manager who must notify his/her divisional Control Center and advise them to immediately notify the TWU of the issue (888-302-3727). If there is no divisional Control Center the manager must notify the TWU. The manager must immediately review the matter.

Employee Agree Disagree	
Employee Signature	
Timea.mp.m.	Date//
Supervisor Signature (required)	

In this section a manager from the division must indicate what actions he/she took regarding the concerns that the employee indicated above. Upon explaining to the employees what changes will be made at the work site or that the challenge is not valid, the manager will direct the employee back to work. If the employee/gang refuses the manager's decision, appropriate action may be taken against the employee(s). If the supervisor/manager fails to correct a valid safety condition, appropriate action will be taken against the supervisor/manager.



fanager Signature (required)/Print Name/Pass Number

Upon completion of this form it must be forwarded to the division head, the Office of System Safety (fax #646-252-5933), and the TWIL Director of Safety and Health (fax #212-245-4102).

Supervisor/Manager Copy

Employee Signature (required)

58-12-0075 6/11

POLICY AND PROCEDURE FOR RESOLVING A SAFETY RULE DISPUTE

An employee or group of employees who allege that they have been directed by supervision to violate a departmental or applicable NYC Transit-wide safety rule or applicable law can utilize the following procedure in order to have the situation immediately reviewed by a supervisor and manager, if necessary. Supervisors and managers must have this form on site and make it available to any employee that wishes to initiate a review.

If a manager is present when the issue is raised, the disputed issue need only be reviewed by the manager.

This procedure does not supercede or replace the provisions of the Collective Bargaining Agreement.

All employees must follow these policies and procedures when they allege a violation of a departmental or applicable NYC Transit-wide safety rule or applicable law in effect at a job location.

The Safety Rule Dispute Resolution Form is provided on the reverse side to document the allegation. The form must be completed as follows:

The employee alleging the violation must fill out the employee section of the form and give it to his/her immediate supervisor. The employee must be as specific as possible if supervision/management is to conduct an appropriate review and resolve the issue as expeditiously as possible.

The immediate supervisor will discuss the specific concerns and explain the rule/law in effect at the work site. The immediate supervisor will fill out section 2 of the form and indicate whether the employee agrees with the explanation; if a change in on-site procedures is necessary, the change will be made. The employee signs that he/she agrees or disagrees with the supervisor's action in section 2 of the form. If a disagreement exists, the issue will be immediately referred to a manager for immediate resolution. The manager must notify his/her divisional Control Center and advise them to

immediately notify the TVU of the issue (385-898-6608).

The manager must interview the employee and the immediate supervisor prior to rendering his/her decision. If the manager can resolve the issue over the phone based on the verbal description of the events the manager's decision can be communicated verbally to the supervisor, employee, and union representative, if one is present. By the end of the shift, the manager must complete his/her section on the form and indicate whether the employee is satisfied with the explanation, if a change in on-site procedures is necessary or if a disagreement still exists. If the manager is unable to resolve the issue based on the verbal description, the manager must report to the location of the incident before rendering a decision and the form must be completed immediately.

When the manager renders the decision, he/she will direct the employee back to work. If the employee/gang refuses the manager's decision, appropriate action may be taken against the employees. If the supervisor/manager fails to correct a valid safety issue, appropriate action will be taken against the supervisor/manager.

SAFETY RULE DISPUTE DIVISIONAL REVIEW PANEL

(This section applies to supervisors and managers only.)

To insure consistent application of the safety rules or applicable law, a Divisional Review Panel will be established.

The Division Head will chair this panel and it will include a representative of the Office of System Safety.

The Panel will review all Safety Rule Dispute Resolution Forms quarterly. The Panel will also provide a written report of their meetings to the Departmental Senior Vice President and the Vice President of the Office of System Safety.

Upon completion of the form, it must be forwarded to the division head, Office of System Safety (fax #718-243-4770), and the TWU Director of Safety and Health (fax #212-724-5826).

SAFETY FIRST

RTO VP CANELLA GOMEZ



THE NUMBER 1 MISTAKE MOST TRAIN CREWS, MAKE WHEN IN AN UNSAFE SITUATION OR SOMEONE OR SOMETHING UNSAFE GETS ON THEIR TRAIN IS THAT THEY MOVE THE TRAIN AND THEN CALL RCC.

RCC'S TAKE ON THE SITUATION IS IF YOU ARE ALREADY MOVING THE TRAIN, WHY CAN'T YOU CONTINUE TO MOVE THE TRAIN.

SO THE FIRST THING THAT NEEDS TO HAPPEN IS ONCE YOU SEE OR FEEL SOMETHING IS UNSAFE, CALL IT IN IMMEDIATELY, AND DON'T MOVE YOUR TRAIN.

TELL RCC YOU DON'T FEEL IT IS SAFE TO OPERATE IN CUSTOMER SERVICE WITH THIS UNSAFE CONDITION AND IF THEY TELL YOU TO SIGNAL IN ROUTE OR ORDER YOU TO MOVE THE TRAIN, REQUEST A SAFETY RULE DISPUTE RESOLUTION FORM. IT IS THAT SIMPLE.

TWU RTO REP CONTACT INFO



130 LIVINGSTON STREET (718) 694-4168/5827 (64

2 BROADWAY (646) 252-2925/2996

RCC FOR REP ON Duty (212) 712-4480

SAFETY FIRST

RTO VP CANELLA GOMEZ



YOUR UNION SAYS ITS UNSAFE

NEVER ISOLATE TRAIN CARS WITH
HUMAN/ANIMAL WASTE

BLOOD/VOMIT OR ANY

BIOLOGICAL HAZARDS WITHOUT

THE PROPER PPE. IF YOU ARE ORDERED TO DO SO REQUEST A SAFETY RULE DISPUTE RESOLUTION FORM.

TRAIN CREWS SAFETY OVER SERVICE



STOP

TWU RTO REP CONTACT INFO

130 LIVINGSTON STREET (718) 694-4168/5827 2 BROADWAY (646) 252-2925/2996 RCC FOR REP ON DUTY (212) 712-4480

SAFETY FIRST

RTO VP CANELLA GOMEZ

SHOPPING CARTS OVER 30 INCHES ARE NOT ALLOWED ON TRAINS AS PER BULLETIN 72-20. IF YOU ARE ORDERED TO MOVE A TRAIN WITH A SHOPPING CART, REQUEST A SAFETY RULES DISPUTE RESOLUTION FORM.



TRAIN CREWS
SAFETY
OVER SERVICE



TWU RTO REP CONTACT INFO

130 LIVINGSTON STREET (718) 694-4168/5827 2 BROADWAY (646) 252-2925/2996 RCC FOR REP ON DUTY (212) 712-4480

THE NEW RTO - SAFETY OVER SERVICE

EXTRIBUTE (COLD) ALERT

TRAIN CREWS: IF TEMPERATURES DROP, AND YOUR OPERATING
CAB DOES NOT HAVE WORKING HEAT, YOUR
RTO LEADERSHIP ADVISES YOU TO TAKE THESE STEPS:

- Call the RCC and report it.
- Inform the RCC it is not safe to operate in the train in these conditions.
- If RCC gives you any flack, request a safety resolution form.
- Call a union representative.



THE NEW RTO - SAFETY OVER SERVICE

TRAIN CREWS: IF TEMPERATURES SPIKE, AND YOUR OPERATING CAB DOES NOT HAVE WORKING AIR-CONDITIONING, YOUR RTO LEADERSHIP ADVISES YOU TO TAKE THESE STEPS:

- Call the RCC and report it.
- Inform the RCC it is not safe to operate in the train in these conditions.
- If RCC gives you any flack, request a safety resolution form.
- Call a union representative.



Rapid Transit Operations

Contact Informaton



Canella Gomez, Vice President

212.873.6000 ext. 2121

Cell: 718 724 9852

Email: cgomez@twulocal100.org

Fax: 347.916.0613



Train Operator Division

Jonluke Rodriguez, Chair 718.753.3922 Jonluke.Rodriguez@twulocal100.org

Garland Perry A Division Vice Chair 917.207.8955

GPerry@twulocal100.org

Aaron Morrison B Division Vice Chair

RTO Pick Officer 718.807.6934

AMorrison@twulocal100.org

Brian Davis B Division Vice Chair RTO Safety Officer

929.486.2288 BDavis@twulocal100.org

Robert Taylor Recording Secretary Train Operator Grievances

347.618.1605 RTaylor.rto@twulocal100.org



Scan QR code to view full contact list online.

Conductor-Towers Division

Jesse Arqueta, Chair

718,753,4958

JArqueta@twulocal100.org

Domonic Culp

A Division Vice Chair

347.866.3878

DCulp@twulocal100.org

Kenneth Rivera

B Division Vice Chair RTO Facilities Officer

718,755,2354

KRivera@twulocal100.org

Angel Camacho

B Division Vice Chair

347.948.5115

ACamacho@twulocal100.org

Scott Weinfeld

Tower Operator Vice Chair

718,419,2399

SWeinfeld@twulocal100.org

Bradley Deleon

Recording Secretary

Conductor/ Tower Grievances

347.762.9398

BDeleon@twulocal100.org

TWU RTO REPS

Train Operator Division

Cristina Hernandez

RTO Women's Committee

914,999,2044

CHernandez@twulocal100.org

David Gaskin

347.547.4789 DGaskin@twulocal100.org

Stephanie Newbald

Snewbald@twulocal100.org

Frank Hartman

Work Train Unit 917,267,8409

frankhartmantwu@gmail.com

Surrena Shoemo

646.883.9239

sshoemotwulocal100@yahoo.com

Conductor / Tower

Nivea Luke

RTO Women's Committee 347.509.6124

NLuke@twulocal100.org

Denise Long

Executive Board RTO Women's Committee

929.276.2137

DLong@twulocal100.org

Ernest Boyce

732,596,7901 EBoyce@twulocal100.org

Kris Magwood

RTO Women's Committee

718.845.3680 KMagwood@twulocal100.org

2 Broadway, 1st Floor

New York, NY 10004

Disciplinary Appeals, Grievances, Arrests, Restoration to Service, Sabbath Observance Office: 646.252.2925/2996/5549

Fax: 646.252.5619

TWU Local 100 Union Hall

195 Montague Street 3rd Floor

Brooklyn, NY 11201 Office: 212.873.6000 Fax: 212.245.4102

130 Livingston St. 5th Floor Brooklyn, NY 11201

Probationary Employees, Workers Compensation, FMLA, Employee Availability, Timekeeping & Picks Office: 718.694.4168/5827

Fax: 718.694-3289/4586