

# Line Equipment/Signals **EMERGENCY** Bulletin

## Union Says “No” to Management Squeeze Play on Uniforms



TWU Local 100's Counsel has asked Arbitrator Richard Adelman to void the recommendations of an 'expert' who violated the terms of a legal stipulation

and did not consider the Union's argument AGAINST uniforms for REM's. Ms. Maureen Cox shamefully rendered her opinion just days after the death of REM Pete Foley, who was to be the union's witness as to why uniforms are not needed by our REM's and are in fact dangerous and a hindrance to the performance of their duties.

Cox violated a stipulation that would have included site visits to observe the equipment used by our REM's and an oral presentation from the Union and Management. Because of this, we have moved to replace her with a new expert who can abide by the terms of the stipulation between the TWU and NYCTA.

Management's attempt to ram these uniforms down our throats is nothing new.

2 Broadway  
Room A26.09  
New York, NY 10004  
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New York City Transit

**FAX**

### EMD - AFC MAINTENANCE - SUBWAYS

To: John Chiarello	From: John Weinberger
Fax: 212 245 4102	Date: August 28, 2012
Phone:	Pages: (including cover sheet) Three
Re: REM Uniform Bulletin	CC: Tony Utano

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments:

John,

NYCT AFC Maintenance plans to distribute the attached REM Uniform Requirement Bulletin (#2012-001) with the paychecks on Thursday August 30, 2012.



If you have any questions feel free to give me a call.

***YOU BET WE HAD QUESTIONS. We told management we're not accepting the uniforms and backed it up with a legal letter to the arbitrator.***

**The Stipulation that was violated — giving us the right to go back to the Arbitrator.**

#### STIPULATION AND AGREEMENT

Stipulation and Agreement entered into this 22nd day of July, 2011 by and between MTA/New York City Transit (hereinafter “the Authority”) and the Transport Workers Union, Local 100 (hereinafter “Union”) on behalf of its representative, Peter Foley, et al Pass # 284142

**THIRD:** The procedure thereafter will be worked out by Ms. Cox, but will include, at a minimum, one or more site visits to observe the equipment, and an oral presentation by both sides



**John Samuelsen, President, TWU Local 100 • Tony Utano, MOW Chair  
John V. Chiarello (tel: 646-498-3738) Line Equipment/Signals Division Chair  
Duane F. MacMenamie, 1st Vice Chair • Charles Jenkins, 2nd Vice Chair  
Duvet Williams, 3rd Vice Chair • Sherlock Bender, Recording Secretary  
John V. Chiarello, Executive Board • Sherlock Bender, Executive Board  
Mario Galvet, Executive Board**

**We are resolved to beat it back. Our attorney has asked the arbitrator, who governs this issue, for an expedited ruling. Our officers have told management that forcing REM's into uniforms will mean they must have extensive training in customer service, as they will be bombarded by customer requests for information. It's not going to work. We're resolved to continue the effort begun by Brother Foley and stop this one in its tracks.**

**Advocates for Justice**  
**Chartered Attorneys**

New York Office  
225 Broadway  
Suite 1902  
New York, New York 10007  
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By E-Mail

August 27, 2012

Richard Adelman  
1175 York Avenue, #10D  
New York, NY 10065

Re: Local 100, TWU and Pete Foley  
REM Uniform Dispute

Dear Mr. Adelman:

We write in response to Tom Latimer's assertion that the letter of Maureen Cox dated June 26, 2012 should be "So Ordered" by you.

For reasons beyond our control, Ms. Cox would not and/or could not follow the procedure agreed to by the parties in the stipulation, which I have attached. That stipulation required:

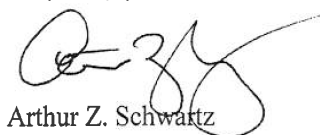
- a. "one or more site visits to observe the equipment," and
- b. "an oral presentation by both sides."

Ms. Cox would not do a site visit, and scheduled the oral presentation several days after Mr. Foley's death. Pete was our principal witness. The union did not have an opportunity to regroup before Ms. Cox retired in late June.

The only way this matter can get resolved, within the framework of the stipulation, is for a new expert to be chosen.

The union requests that you direct the parties to agree on such a person.

Very truly yours,



Arthur Z. Schwartz

cc: John Samuelsen  
John Chiarello  
Thomas P. Latimer  
Richard Rivera

**"I have just heard from a REM that even though an award has not been finalized by the arbitrator a letter was stapled to every REM's check stating to wear the uniform. I ask that EMD send a letter of retraction and statement explaining there premature assumption. Our attorney sent a letter in more than enough time for you to delay implementation of the uniform, but yet the department rushed to hand letters to my members. I also heard that some bor-ough managers have told my members that the union did not object to the letter. Not only are we vehemently opposed, but I feel personally insulted that after such a long drawn out disagreement that you would try to slip it in, as if no one was watching. Please contact Tom Latimer who has been involved in this from the beginning. I await your timely response."**

- Division Chair  
John Chiarello  
email to Assistant  
Chief John Weinberger  
August 28, 2012

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