

**Office of Election Counsel
Subway Surface Supervisors Association
225 Broadway, Suite 1902
New York, New York 10007**

November 4, 2019

Re: Complaint of Yvette Lawson, 10/17/2019

On October 17, 2019, Yvette Lawson filed a complaint against Michael Carrube and William Torres for violation of the Election Rules. On that day the undersigned asked for additional proof. That request was responded to on October 31, 2019.

The Complaint

1. "[Michael Carrube] used SSSA funds to trademark the logo of his slate, 'Supervisors in Solidarity'."
2. "Michael Carrube and William Torres campaign on a Facebook page named 'Subway Surface Supervisors Association.' Due to Subway Surface Supervisors Association's name being used on this page, it clearly gives the impression that the page officially belongs to the union."
3. "Supervisors in Solidarity's logo closely and can easily be mistaken for the official logo of this union."
4. "I have always visited members in the filed in various location. However, Carrube is now interfering with me performing my job by preventing me from attending arbitration on October 10, 2019. And he's confining me to the union hall whilst everyone else is allowed to mingle with their colleagues, which they weren't doing."

Decision

1. Trademark. Although Mr. Carrube received an invoice for the trademark application on April 1, 2019 at the union office, he showed evidence that the bill was paid with his own funds. Complainant showed no proof to the contrary. Protest denied.
2. Facebook Page. This page was created in 2012 by Train Dispatcher Dale Cook. The name on the page is Subway Supervisors Contract Association. It is a closed page, with admission by consent of Mr. Cook. It is not a page maintained by the union or an employer. This charge is also brought beyond the 48-hour protest period. Protest denied.
3. Logo. In the view of the Election Officer, the logos do not closely resemble each other. This protest was filed beyond the 48-hour protest period. Protest denied.
4. Field Visits. Apparently, Candidate Lawson and the Union President have had conflicts about her work going back several years. On October 3, 2019, Ms. Lawson was assigned to a task at the union hall to assist in review of grievance and discipline cases. President Carrube alleges that the most recent assignment came a day or two after

Complainant testified in opposition to a position held by SSSA at a grievance-arbitration being pursued by the Transit Supervisors Association. Whatever the basis, the dispute referenced in the protest arose on October 2 or 3, 2019, and the protest was filed on October 17, 2019, more than two weeks later. It is late.

Additionally, officers are not, during the election period, allowed to simply "visit members in the field." Specific grievances, meetings, safety disputes, etc. are required. To allow otherwise is to permit campaigning on union paid-for time, which would be improper.

I should note that at the request of the undersigned, Ms. Lawson was allowed leave without pay for the week of November 4, 2019 so that she might campaign. Apparently, all of her paid leave has been exhausted

Protest denied.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Arthur Z. Schwartz', with a large, stylized flourish extending from the end of the signature.

Arthur Z. Schwartz