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**Thomas F. Prendergast**  
Chairman and Chief Executive Officer

**RECEIVED**  
EXECUTIVE CORRESPONDENCE



**Metropolitan Transportation Authority**

State of New York

JUN 09 2014

OFFICE OF THE STATE COMPTROLLER  
**THOMAS P. DINAPOLI**  
COMPTROLLER

June 4, 2014

Honorable Andrew M. Cuomo  
Governor of New York State  
NYS State Capitol Building  
Albany, NY 12224

✓ Honorable Thomas P. DiNapoli  
Office of the State Comptroller  
633 Third Avenue, 31<sup>st</sup> Floor  
New York, NY 10017

RE: Response to Report #2010-S-2 – Long Island Rail Road – Overtime and Other Time and Attendance Matters Found in the Use of Certain Federal Funds

Gentlemen:

On January 24, 2014, the Office of the State Comptroller issued the above referenced audit report. As required by Section 170 of the Executive Law, I am providing you with the attached response which addresses the recommendations contained in the report.

A copy of the final audit report is attached for your convenience.

Sincerely,

Thomas F. Prendergast  
Chairman and Chief Executive Officer

Attachments

*The agencies of the MTA*

MTA New York City Transit  
MTA Long Island Rail Road

MTA Metro-North Railroad  
MTA Bridges and Tunnels

MTA Capital Construction  
MTA Bus Company



## Long Island Rail Road

May 2, 2014

Mr. Thomas Prendergast  
Chairman and Chief Executive Officer  
Metropolitan Transportation Authority  
347 Madison Avenue  
New York, NY 10018

### **RE: New York State Comptroller's Request for Response Use of Federal Stimulus Funds – 2010-S-2**

Dear Chairman Prendergast:

As required by Section 170 of the Executive Law, detailed below are the updated actions that have been taken to address the recommendations contained in the State Comptroller's Audit of Use of Federal Stimulus Funds. Our response dated October 18, 2013 indicated one recommendation was fully implemented, four were implemented and on-going and a final one was on-going. Currently, two recommendations are fully implemented and four are complete and on-going.

#### **Recommendation No. 1**

- Establish a process for approving and justifying overtime for electric traction, signal and track workers in the Department prior to the overtime being worked.

#### **LIRR Implementation Status:**

A process is in place for approval of overtime in both Electric Traction and Signal departments. The Department's process for securing this approval is carefully managed by each individual discipline so as to ensure that overtime is utilized only when necessary and that it is consistent with the LIRR's policy direction. Once management approves (typically the division Engineer), a Supervisor canvasses employees to determine who will be deployed on overtime for each particular work assignment. The Supervisor determines that there is a need for overtime based on emergency, planned work, job tickets, and determines the number of employees required to complete the work. The Electric Traction Trouble Desk prepares a manpower overtime list based on the collective bargaining agreement seniority list and fills out a form detailing the names of employees working and their assignment. Employees show up for this assignment and call the Engineering Systems Operations (ESO) desk on a recorded line who in turn enters the calls into a database. The Foreman calls the desk when the job is completed and the database is updated. Subsequently, the Supervisors review and verify labor sheets against the database. The same process is followed in Signal, however the employees call into the Signal Control Desk.

An approval process is currently being developed for the Track Department and will be completed by the end of 2014.

#### **Status: Complete and On-going**

MTA Long Island Rail Road is an agency of the Metropolitan Transportation Authority, State of New York  
Thomas F. Prendergast, Chairman and Chief Executive Officer

**Recommendation No. 2**

- Monitor employees to ensure they are only paid for hours worked.

**LIRR Implementation Status:**

There is a current process in place to ensure that employees are paid only for hours worked. Supervisors are responsible for monitoring, approving and signing off on all hours worked. Additionally, as indicated in the LIRR's October 18, 2013 response, the Engineering Department is in the process of installing biometric clocks at all headquarter locations. Employees will be required to "scan in and out" at the beginning and end of their shifts. This will be a useful tool for the Department to maximize worker productivity and validate timekeeping and payroll. The Department expects all biometric clocks will be functional by the end of the 2014.

***Status: Complete and On-going***

**Recommendation No. 3**

- Monitor the number of hours employees work consecutively without an off-duty rest period to ensure their work performance is efficient and effective and that worker and passenger safety is not compromised.

**LIRR Implementation Status:**

As noted in our response on October 18, 2013, the LIRR took numerous steps to ensure that employee safety, which it considers of highest priority, is maintained at work sites. In the Signal Division, the LIRR is in compliance with the FRA's "hours of service" regulations, which require rest periods per prescribed hours worked. The remaining divisions are not subject to "hours of service" regulations but are subject to the provisions of their respective collective bargaining agreements. In any event, the LIRR does not assign employees to work if it would jeopardize their safety or the safety of their co-workers or customers. With regard to the specific instances cited by the State Comptroller's Office, in each case the deployment was conducted in accordance to the provisions of existing collective bargaining agreements and was accomplished with careful consideration of the safety of all employees on the site.

***Status: Implemented***

**Recommendation No. 4**

- Implement a timekeeping system to accurately record the attendance of Department employees assigned to field locations.

**LIRR Implementation Status:**

As noted in LIRR's response to Recommendation #2 above, there is a process currently in place to monitor employee attendance. The Engineering Department is in the process of installing biometric clocks at all headquarter locations. Employees will be required to "scan in and out" at the beginning and end of their shifts. This will be a useful tool for the Department to maximize worker productivity and validate timekeeping and payroll. The Department expects all biometric clocks will be functional by the end of the 2014.

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***Status: Complete and Ongoing.***

**Recommendation No. 5**

- Improve communication between field supervisors and the Department regarding employee schedules so that changes in assignments can be updated promptly and accurately.

**LIRR Implementation Status:**

As stated in our October 18, 2013 response, field supervision needs to have and use their discretion when assigning field personnel daily assignments. These assignments are documented on Labor sheets, signed by a Foreman and Supervisor, and then sent in for processing. Since the Administration Section does not assign work tasks or dispatch forces, but only processes their approved labor, they do not need to be informed of daily assignments or any such changes. The LIRR considers the current process to be effective. Therefore, LIRR considers this recommendation complete.

***Status: Implemented.***

**Recommendation No. 6**

- Improve the control environment to promote accuracy in reporting staff attendance.

**LIRR Implementation Status:**

The installation of biometric clocks is currently scheduled to be completed by the end of 2014. This system will further enhance the controls already in place in this area. The system will have enhanced reporting capabilities to assist Management in maintaining more current and accurate employee leave and attendance records.

***Status: Complete and Ongoing***

We believe the LIRR's action plan addresses the recommendations of the State Comptrollers Office. Please contact me should you require additional information.

Sincerely,



Helena E. Williams  
President

c: M. Young  
M. Gelormino  
J. Collins  
J. Rosado  
M. Fucilli  
D. Jurgens  
Pres. Log #