

EDITORIAL

End the LIRR gravy train

BY THE EDITORIAL BOARD

Examples of extraordinary and egregious overtime use at the Metropolitan Transportation Authority have now drawn the attention of federal and state prosecutors.

That was inevitable and certainly is necessary because an intense criminal probe is the only way to determine the depth of potentially fraudulent timekeeping at the MTA.

Federal prosecutors in the Southern District of New York have subpoenaed records from more than a dozen Long Island Rail Road and New York City Transit employees, and are looking into the MTA's timekeeping methods.

The office of the Queens district attorney and MTA inspector general also are muscling up to work on a probe. While more eyes are better, federal prosecutors should take the lead and see how far up the chain this behavior goes. The FBI and the Southern District, which prosecuted disability fraud at the LIRR beginning in 2011, have a record of understanding a culture that stifles accountability.

Overtime abuse is not new at the MTA or the LIRR, the nation's largest commuter railroad. At multiple times in the last 10 years, the MTA inspector general or State Comptroller Thomas DiNapoli have investigated abuses. Over and over, past MTA chiefs have

Exorbitant overtime earnings call for serious scrutiny from state and federal prosecutors

promised reform.

Yet nothing has changed. That's why a broader, systemic probe is needed, one that goes beyond the headlines that highlight individual tales of workers earning insane amounts of money from overtime. These individual cases will never really end any of the collusive atmosphere that makes it possible.

If there is an organized criminal scheme in place, federal racketeering statutes would allow prosecutors to clean out the rail yards. In the federal law enforcement playbook are malleable statutes like wire and mail fraud, which could make accepting the wages a crime. To save themselves, workers might offer information about others who permit, perpetuate and enable this seemingly rigged system.

The MTA's accountability

and time management issues differ with each branch. At New York City Transit, there are questions about whether all employees work their full shifts. Because of the size of those operations, that's where more taxpayer and rider dollars are burned. At the LIRR, which is governed by the Federal Railway Labor Act, a lack of modern recordkeeping could allow overtime abuses. A report by the Empire Center watchdog organization showed some stunning examples.

Thomas Caputo, the LIRR's recently retired chief measurement officer, earned \$344,147 in overtime, plus his \$117,499 salary. He reportedly worked 3,864 hours of overtime in one year. Marco Pazmino, a track worker, added \$256,177 in overtime to his \$54,985 base in 2018. Reports

indicate that he worked 4,157 overtime hours, plus 1,688 regular hours.

The mind-boggling numbers translate into each man working more than 10 hours of overtime a day, every day of the year — including weekends.

At an emergency board meeting earlier this month, MTA chief executive Pat Foye revealed that five LIRR workers face discipline for overtime abuses. It's likely they're not the only ones.

With the MTA paying out more than \$1 billion in overtime last year, even a few such cases raise red flags and warrant public outrage. All of this comes at a time when the MTA is asking residents to pay more, through fare increases and congestion pricing. They deserve assurances that their money will be well spent, that MTA reform is possible, and that abuses will be found and stopped.

Then there are the questions about the MTA's timekeeping, which often relies on handwritten records. The MTA has purchased and, in some cases, even installed biometric timekeeping systems, but troubling reports indicate that managers never put them to use because they feared employees' reactions. And what about workers' supervisors, and their supervi-

sors' supervisors? What about managers, who receive monthly overtime reports and should have ways to stop excesses? Individual instances of bad behavior don't happen without someone else knowing, or looking the other way.

An insidious culture at the LIRR was revealed once before. That scheme involved hundreds of LIRR workers who claimed disability when they were not disabled and collected millions of dollars in pension money. Doctors and other enablers were involved. Dozens pleaded guilty or were convicted.

Don't be confused by the cloud of smoke sent up by some labor leaders that railroad officials are responsible for record overtime. Paying workers extra rather than hiring more of them can make sense, especially as the LIRR fixes switches and signals, and finishes major projects like East Side Access. But LIRR union leader Anthony Simon was wrong when he told Newsday that the overtime issue starts and stops with LIRR president Phillip Eng. "There's nobody else to blame," Simon said.

No. There's plenty of blame to go around. Management and the unions must address abuses and fix problems across the system.

But first, we all need some answers. There is nothing like subpoenas to get people talking.

