

QUEENS D.A. IN OT PROBE

Joins inspector general for MTA in investigation

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The Queens District Attorney's Office has joined Metropolitan Transportation Authority inspector general Barry Kluger in investigating potential overtime abuse among MTA workers, including at the Long Island Rail Road, officials said Tuesday.

The involvement of the DA's office raises the possibility of criminal charges against MTA employees. A spokeswoman for the Queens DA's Office said prosecutors "have met and are in consultation with" Kluger's office as it moves ahead with its probe into possible overtime fraud. The spokeswoman would not provide any additional details of the dealings between the two offices.

Kluger and a spokesman for the MTA both declined to comment Tuesday.

At the urging of MTA chairman Patrick Foye, Kluger ear-



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lier this month said he would launch an investigation into the agency's overtime practices. Concerns were raised about the legitimacy of some MTA workers' overtime after the Empire Center for Public Policy last month released an MTA payroll report that revealed alarmingly high overtime rates

among some employees.

The MTA's top earner in 2018, LIRR chief measurement officer Thomas Caputo, made \$344,147 in overtime on top of his base salary of \$117,499, according to the Empire Center, a nonprofit group based in Albany. Caputo, who earned more last year than the railroad presi-

dent and the MTA's managing director, since has retired.

Foye said Friday that five LIRR workers recently were disciplined, or currently face disciplinary sanctions, for overtime abuses.

At an emergency MTA Board meeting Friday, Foye noted that Kluger's office had "open investigations" into overtime abuse at the LIRR. Foye said that, while he believed most overtime at the MTA is legitimate, "There is a small fraction of overtime that is fraudulent and involves abuse of the current system."

Kluger's office routinely works with prosecutors on cases that could result in criminal charges.

MTA union leaders have fought back against the agency's handling of the overtime controversy, including the decision to have armed MTA Police officers monitor employee time and attendance at job sites last week. They also rejected accusations from MTA Board member Lawrence Schwartz, who represents Gov. Andrew M. Cuomo, of "constant overtime, payroll and pension abuses" across the MTA.

The LIRR's senior union official, Anthony Simon, did not

immediately respond to requests for comment Tuesday. Simon said Monday that, while he does not condone employees collecting overtime for hours they didn't work, the MTA should be working to resolve labor issues at the negotiating table.

"You have to let the process take its place. You have to get in the room with us and talk to us to see how we fix things like that," Simon said. "Before you go and destroy people's lives, let's have a conversation."

LIRR overtime costs climbed by about 50 percent from 2015 to 2018, and were already over budget two months into 2019. Overtime, which is assigned based on seniority at the LIRR, helped railroad laborers snag six spots on a list of the MTA's Top 10 earners in 2018.

Union officials have said the MTA's rising overtime costs come as managers urge employees to work long hours to support efforts to improve service reliability, including at the LIRR. But the MTA and Cuomo have said their concerns are not about legitimate overtime.

"This is about stealing," Cuomo said at a Manhattan press event Sunday.

Suffolk lawmakers OK union pacts

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The Suffolk Legislature, despite an abbreviated review, overwhelmingly approved new contracts with police and other county workers Tuesday night as well as a deal to have employees for the first time share in health insurance costs.

Lawmakers voted for the emergency resolutions after aides to Suffolk County Executive Steve Bellone, legislative budget analysts and union leaders answered lawmakers' questions for more than two hours.

Dennis Cohen, Bellone's chief deputy, said fast action is crucial because "The quicker we can start ... the quicker we get sav-

ings," adding "Every month we wait is \$3 million."

Legis. William Lindsay III (D-Oakdale) praised the agreements, despite the pain it causes some county workers. "I understand some employees are upset about having to contribute to this," he said "The contribution is still just a fraction of the cost." While employees may "feel the sting of it ... it sets the trajectory of benefits level."

However, Legis. Robert Trotta (R-Fort Salonga) said the legislature should have taken more time to review detail of the deals. "The PBA played the county executive like a fiddle," he said. "I'm not going to vote on this now because I don't know enough about it."

Legislative budget analysts lowered the estimated savings

from the health care cost-sharing to a range of \$143 million to \$188 million, rather than \$195.6 million forecast by the executive, based on unresolved further concessions in the contract's later years. Legislative analysts also projected a higher five-year cost of \$127.5 million for the new Association of Municipal Employees contract, compared to executive's estimate of \$108 million. The pact gives AME members increases totaling 12 percent from 2017 to 2024.

Bellone aides had estimated the new contract for 1,700 Police Benevolent Association officers in which raises average 1.85 percent a year, will add \$84.4 million in new costs. But legislative analysts say the new cost will actually be a total of \$78.5 million.

But the lawmakers' analysts

also found that the cost of bringing new recruits hired after 2013 to the \$155,687 top step, the same as long-serving officers, will be \$250,000 more, compared to the contract in place from 2012 to 2018 and will cost \$44,000 per recruit more each year thereafter.

Deputy County Executive Jon Kaiman said that while the "big elephant in the room" is getting rid of the two-tier system, few other police departments in the country had that pay structure. He said "one of the most significant parts of this deal" is adding more workdays for PBA members, including by reducing the number of sick days and requiring new recruits to work an additional 14.5 and 17 days in their first two years on the force. He estimates these additional days will help reduce overtime pay by

about 60 percent.

The health agreement calls for employees to pay 2 percent of their salary for health coverage, a contribution that will range from \$1,500 annually to \$3,750 that will increase .1 percent annually until it reached 2.5 percent, which will be capped at \$4,000 at the end of the contract.

Some workers were unhappy. "We have basically given away everything I have worked for in the past 16 years," said county worker Joan Neiman.

But Geoff Mascaró, an AME unit president in public works, conceded the cost sharing is unpopular. "I don't want to pay for coverage, none of us do. The alternatives raised are much worse," he said. "It's essential we make changes to modernize the system."