

End of Shift Timekeeping Requires Clarification & Better Transparency

Office of the Inspector General



Investigation Results

Station Agents who close BART stations at the end of revenue service are permitted to receive a full day's pay if they clock out early. However, the rule for doing so lacks clarity and the practice for accounting for this time lacks transparency. The Amalgamated Transit Union's (ATU) Collective Bargaining Agreement (CBA) with the District allows closing shift station agents to leave their stations before the scheduled end of their shifts with no loss of pay, as long as the last revenue train and all patrons have left the station. The District implements this section of the CBA by programming its timekeeping system to grant full daily pay to any Station Agent who clocks out 30 minutes or less before the end of their closing shift. We identified 52 instances, totaling 83 hours (\$6,286), of closing Station Agents leaving their stations and being paid beyond 30 minutes, including up to five hours after leaving for the day. We also identified another 20 instances, totaling 36 hours (\$2,766), in which the supervisors' justification for pay beyond the 30-minute standard was unclear and inconsistently recorded in the timekeeping system.

We wish to emphasize that no BART Station Agents are being accused of any improper conduct nor were any cited in the allegation. This investigation focuses on procedural transparency.

Recommendations

1. To ensure the District uses its resources efficiently and effectively, BART should provide written guidance on the implementation of ATU Collective Bargaining Agreement Section 34.6 and the types of exceptions may allow for exceeding the 30-minute standard.
2. To allow for proper timekeeping oversight, BART should require Station Agent supervisors to enter clear descriptive information in the timekeeping system comment field explaining why they manually applied Section 34.6 of the ATU Collective Bargaining Agreement for time that exceeds 30 minutes.

Management agreed to our findings and recommendations. See page four for details.



Background and Allegation

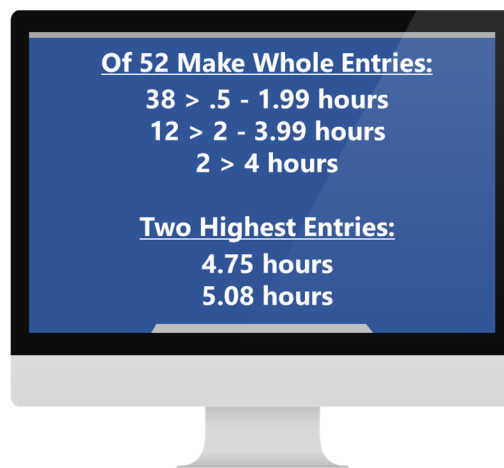
CBA provision provides for Station Agent safety & security

Section 34.6 of ATU’s CBA with the District states, “When the closing Station Agent has properly secured and closed the station, the closing Station Agent may leave the station before the scheduled end of the shift with no loss of pay as long as the last revenue train and all patrons have left the station.” This provision is designed to ensure that Station Agents who work late at night and alone have collective safety and security with the passengers on the last train of the night. For this purpose, the District’s timekeeping system is programmed to grant full daily pay to any Station Agent who clocks out 30 minutes or less before the end of their closing shift so that these agents can clock-out and depart the station with the last passengers of the night with no loss of pay and without requiring a manual time adjustment. The coding for this programmed time adjustment is referred to as “MEOS,” which means “Make Whole End of Shift.” When a Station Agent leaves work more than 30 minutes before the end of their shift, their supervisor inputs the time adjustment manually using the timecode “MKN,” which means “Make Whole.” Supervisors must then add a comment to the timekeeping system explaining the adjustment’s purpose.

Our office received a complaint that closing Station Agents were paid for a full shift even after having gone home for the day and that the make whole pay provision had become an excessive and poorly documented practice.

Key Findings

We reviewed timekeeping data for closing Station Agents covering the time period of July 1, 2021, through March 22, 2022. We chose this time period to exclude the special allowances given to Station Agents for make-whole shifts during the majority of the COVID-19 pandemic. We identified 52 instances of Station Agents receiving MEOS pay for durations greater than 30 minutes, ranging from 45 minutes to five hours. This amounted to 83 hours, or an estimated \$6,286 of salary and benefits paid by the District to Station Agents who had left more than 30 minutes before the end of their scheduled shift.¹



¹Estimated cost uses the average hourly rate for Station Agents of \$38 and the fringe benefit rate for ATU members of 99.5%.



Section 34.6 of ATU’s CBA does not identify an amount of time under the provision because shift and train schedules can be variable depending on planned and unplanned systemwide service adjustments. However, the District programmed its timekeeping system to automatically apply the MEOS time to closing Station Agents who leave their end-of-revenue service shifts 30 minutes or less before their scheduled leave time. This supports that the expectation is that the maximum time a closing Station Agent is to be paid under Section 34.6 of the CBA is no more than 30 minutes. While there may be reasonable exceptions to the 30-minute standard, there is no written guidance regarding how to document these exceptions or describing the types of circumstances that would allow for the exceptions. This lack of clarity leaves the District vulnerable to misuse of the make whole time provision and creates potential waste of District funds.

Examples of Vague Make Whole Comments:
“MKN per SOFO”
“2.0 MKN per SOFO”
“per SOFO BAP input request”

We also identified 20 other instances in the timekeeping data that lacked clarity as to whether the supervisor was claiming the Section 34.6 provision for the Station Agents. The supervisors’ recorded comments in the timekeeping system were vague and inconsistent as shown in the textbox to the left.² These instances amounted to 37 hours, or an estimated \$2,766 of pay and benefits paid by the District for Station Agents who had left more than 30 minutes before the end of their scheduled shift. These comments have no clear justification as to why Station Agents are being paid after they have gone home for the day and whether this is or isn’t MEOS pay under the CBA provision. Inadequate justification of pay can result in improper or even fraudulent payments and we believe that the District can improve its internal controls by requiring supervisors to better document when they are or are not applying the MEOS provision of the CBA.

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Providing independent oversight of the District’s use of revenue.

² The acronyms used in the examples are: MKN = make whole; SOFO = senior operations foreworker office; BAP = business automated process.



Appendix I – Management Response to Recommendations

BART OFFICE OF THE GENERAL MANAGER RESPONSE TO OIG FINDINGS & RECOMMENDATIONS

Report Title: End of Shift Timekeeping Requires Clarification & Better Transparency

1	Recommendation:	To ensure the District uses its resources efficiently and effectively, BART should provide written guidance on the implementation of ATU Collective Bargaining Agreement Section 34.6 and the types of exceptions may allow for exceeding the 30-minute standard.
	Responsible Department:	Transportation
	Implementation Date:	9/4/2022
	Corrective Action Plan:	<p>Transportation Department is researching applicable and valid uses of the MKN (Make Whole) Time Reporting Code (TRC). CBA S.34.6 is not the only valid use. After researching, guidance will be provided to employees authorized to use the TRC to delineate the situations in which the TRC can (and cannot) be used.</p> <p>-----</p> <p>OIG Note: For clarification, we are aware that station agents may receive make-whole pay adjustments for reasons other than Section 36.4 of the collective bargaining agreement. Therefore, we excluded from our analysis 193 time-adjustment records totaling 567.92 hours (\$42,637.92) that did not include comments supporting that the adjustments were made for the purpose of complying with the Section 36.4 provision. The time records included in our analysis contained comments supporting that the adjustments were made to comply with Section 36.4 or lacked clear comments supporting their purpose.</p>
2	Recommendation:	To allow for proper timekeeping oversight, BART should require Station Agent supervisors to enter clear descriptive information in the timekeeping system comment field explaining why they manually applied Section 34.6 of the ATU Collective Bargaining Agreement for time that exceeds 30 minutes.
	Responsible Department:	Transportation
	Implementation Date:	6/24/2022
	Corrective Action Plan:	A memo will be sent to supervisors to enter clear descriptive information in the timekeeping system comment field explaining why they manually applied Section 34.6 of the ATU Collective Bargaining Agreement for time that exceeds 30 minutes.