



New York State Office of the State Comptroller
Thomas P. DiNapoli

Division of State Government Accountability

Operational Training and Medical Assessments of Train Crews

Metropolitan Transportation Authority – New York City Transit



Report 2016-S-26

March 2018

Executive Summary

Purpose

To determine whether the Metropolitan Transportation Authority's New York City Transit established and implemented training and retraining programs for train crews to ensure safe train operations; ensured that train crews are medically fit; and periodically monitored train crews for continued medical fitness. The audit period covered from January 1, 2013 to October 31, 2016.

Background

The Metropolitan Transportation Authority (MTA) is a public benefit corporation that operates North America's largest transportation network. One of six MTA constituent agencies, New York City Transit (Transit) operates bus and subway service within the City of New York.

Train crews consist of two members: a Train Operator and a Conductor – both of whom have direct responsibility for the safe, timely, and proper operation of Transit trains. Transit also has Train Service Supervisors (TSS), who, among other duties, supervise the day-to-day operations of Train Operators and Conductors, evaluate and monitor train service personnel for fitness of duty, and respond to and investigate operational incidents and take corrective action if necessary.

Employees new to these positions must go through Induction Training, where they learn how to operate trains in revenue and non-revenue road service, and in yard or terminal service; prepare trains for road service and switch cars in the yards; and learn the components of a train and gain familiarity with operating procedures, including how to deal with emergency situations. Skills are assessed through quizzes, tests, and practical examinations. To pass the course, employees must achieve a minimum grade of 80 percent on each written exam. All quizzes and examinations (written and practical) are to be retained in the employee's training files for future reference. Once on the job, Train Operators and Conductors are required to undergo, and complete, periodic Refresher Training every three years.

Train crews are also required to pass a medical assessment prior to assuming new responsibilities, and undergo periodical medical assessments every two years for Train Operators, and every five years for Conductors. Revisits may be required as determined by medical personnel. Federal regulations also require annual hearing tests for train crews.

Key Findings

- Transit is not in compliance with the requirements of the Induction Training curriculum established for its train crews. This lack of compliance may be tied to poor outcomes. For instance, all four Train Operators in our sample who had five or more operating incidents during the audit period had a history of failing grades and/or tests and quizzes missing from their training files.
- Train Operators and Conductors are not always meeting or completing Refresher Training requirements. Our review of training files for 45 employees showed that only 16 employees (35 percent) received a passing grade of 80 or higher on the final test, while 23 employees (51 percent) failed the test and returned to work; for the remaining six employees, tests were

missing from the files. Moreover, of the 96 employees we sampled, 22 were overdue for training and 9 had no history of any Refresher Training.

- The Hearing Conservation Program requires Train Operators and Conductors to have an annual hearing test. Thirty-four of the 49 Train Operators were required to have between one and four annual hearing tests. Of the 75 required tests, 34 were early, 30 were late, 2 were on time, and 9 were not done. On average, late tests were 34 days overdue.
- Train crews were also not in compliance with medical assessment requirements. For example, of 36 medical assessments that were required for 33 Train Operators during our audit scope period, based on the information available, we could determine that only 2 were performed on time; 16 were performed late; 13 were performed early; and 5 were not done at the time of the employee's last day worked prior to retirement.
- Our review of TSS Induction Training files found inconsistencies with test scoring and file maintenance, including missing test files, ungraded tests, and missing attendance records.

Key Recommendations

- Require all training instructors to review the class files periodically during and at the end of training to ensure that all quizzes, tests, and examinations are documented and graded, and are retained in training files along with attendance sheets.
- Evaluate the Refresher Training to determine the reason for the low passing rate and implement corrective action.
- Develop a system that properly tracks and monitors employee medical assessments, hearing tests, and revisits against the scheduled time intervals.

**State of New York
Office of the State Comptroller**

Division of State Government Accountability

March 1, 2018

Mr. Joseph J. Lhota
Chairman
Metropolitan Transportation Authority
2 Broadway
New York, NY 10004

Dear Mr. Lhota:

The Office of the State Comptroller is committed to helping State agencies, public authorities, and local government agencies manage their resources efficiently and effectively. By so doing, it provides accountability for tax dollars spent to support government operations. The Comptroller oversees the fiscal affairs of State agencies, public authorities, and local government agencies, as well as their compliance with relevant statutes and their observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations. Audits can also identify strategies for reducing costs and strengthening controls that are intended to safeguard assets.

Following is a report of our audit entitled *Operational Training and Medical Assessments of Train Crews*. This audit was performed pursuant to the State Comptroller's authority as set forth in Article X, Section 5 of the State Constitution and Section 2803 of the Public Authorities Law.

This audit's results and recommendations are resources for you to use in effectively managing your operations and in meeting the expectations of taxpayers. If you have any questions about this report, please feel free to contact us.

Respectfully submitted,

*Office of the State Comptroller
Division of State Government Accountability*

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Background

The Metropolitan Transportation Authority (MTA) is a public benefit corporation that operates North America’s largest transportation network. One of six MTA constituent agencies, New York City Transit (Transit) operates bus and subway service within the City. Transit’s 25 subway lines are divided into two divisions, A Division (the numbered lines and 42nd St. Shuttle), and B Division (the lettered lines and the 7 line).

Train crews consist of two members: a Train Operator and a Conductor – both of whom have direct responsibility for the safe, timely, and proper operation of Transit trains. Transit also has Train Service Supervisors (TSSs), who, among other duties, supervise the day-to-day operations of Train Operators and Conductors; evaluate and monitor train service personnel for fitness of duty; are prepared to operate trains; and respond to and investigate operational incidents and take corrective action if necessary.

Employees new to these positions must go through Induction Training, where they learn how to operate trains in revenue and non-revenue road service, and in yard or terminal service; prepare trains for road service and switch cars in the yards; and learn the components of a train and gain familiarity with operating procedures, including how to deal with emergency situations. Skills are assessed through quizzes, tests, and practical examinations. To pass the course, employees must achieve a minimum grade of 80 percent on each written exam. All quizzes and examinations (written and practical) are to be retained in the employee’s training files for future reference. Once on the job, Train Operators and Conductors are required to undergo, and complete, periodic Refresher Training every three years.

Depending on the job or assignment the inductee is training for, the curriculum and length of the training varies, as shown on Table 1.

Table 1

Title	Assignment	Length of Induction Training
Conductor	Transit A Division	32 Days
	Transit B Division	35 Days
Train Operator	Transit A Division	85 Days
	Transit B Division	110 – 119 Days
Train Service Supervisor	Transit A & B	8 Weeks

Training for all positions is conducted both in the classroom and in various train yards. Training for Conductors and Train Operators also includes “posting,” where the inductee works alongside a permanent employee to use the skills taught in class. Learning is assessed through a variety of learning indicators, including quizzes, tests, and final written and practical tests. The YX program is roughly a two-month-long program where the Train Operator gets practical experience operating the train in the yards.

Quizzes provide feedback to the instructors regarding how the training is being received by employees, allowing them to gauge employees' ability to understand the information. In the event they fail a quiz, or as the instructor deems necessary, employees may be offered tutoring sessions in specific subjects before or after class.

According to Transit's current Train Operator Induction Manual and Conductor Induction Manual (Manuals), all quizzes and tests will be retained in the employee's file for future reference. The Manuals also contain a Training Policy Memorandum, dated February 10, 2015, that states: "Any student that does not achieve a minimum score of 80 percent on the midterm or final exams, or other written exam, and/or fails any of the practical exams or receives an unsatisfactory performance review will fail the training course. This will result in the newly promoted employee being demoted to their former title or being terminated if hired from an Open Competitive list."

Train Operators and Conductors who pass the Induction Training are on probation for a year, which includes time spent in training, and thereafter become permanent employees. Subsequently, every three years, train crews must undergo Refresher Training. For both positions, the Refresher Training includes three days of classroom training, road training, and fire and evacuation training; Conductors receive an additional day of training in communications. Conductors and Train Operators must attend all Refresher Training and receive a passing grade (80 percent or higher) on the final test. Employees with a failing grade are allowed one retake; those who fail a second time return to the field and the supervisor is notified of the failing grade.

Employees new to these positions are also required to pass a medical assessment at a Medical Assessment Center (MAC) and periodic medical assessments thereafter: every two years for Train Operators and every five years for Conductors. Train crews are also referred to a MAC after an on-the-job injury or involvement in an incident, or for a return to work after an absence of 21 days or more. Revisits may be necessary as determined by MAC medical personnel. Federal regulations also require Conductors and Train Operators to have annual hearing tests. There are no medical assessment requirements for TSSs, who are subject to drug and alcohol screening only.

Audit Findings and Recommendations

Transit cannot support that it has fully implemented its established training and/or medical assessment programs for train crews and TSSs. Despite a specific requirement that all test results should be retained in employees' training files, critical quizzes – covering basic safety issues such as the Rulebook, Signals, and Troubleshooting – were missing from 57 percent of them. Notably, four Train Operators in our sample who had multiple (five or more) operating incidents were among those files that were missing critical quizzes; for these individuals, other documentation in their files also show a history of failure on other assessments.

Although Transit allowed retesting during Induction Training, its current policy – a memorandum dated February 15, 2015 – is silent regarding retesting, stating only that employees who do not achieve a passing grade will be demoted, or for new hires, their employment terminated. Without additional clarity, it is unclear how many times an employee may be allowed to fail and retest.

Since these exams cover knowledge of safety issues and how to respond to situations that may delay trains en route, it is essential that Transit ensure train crews know and understand the material that is tested. Allowing multiple retakes provides less assurance that the instruction is effective.

Furthermore, medical assessments were not always performed as required. For example, during our audit period, 33 Train Operators should have received a total of 36 medical assessments. Based on the information available, we could determine that only 2 were done on time; 16 were late; 13 were done early; and 5 were not done as of the last day worked prior to retirement.

Conductor and Train Operator Training

Induction Training

Transit has a well-defined Induction Training program for train crews, including quizzes and practical exams. These learning indicators demonstrate a student's mastery of skills, and as such, are critical barometers of job readiness. Despite the requirement that all such tests be retained in training files, documentation to support that Conductors and Train Operators completed this program was frequently missing.

For example, the files for our sample of 50 Conductors and 56 Train Operators were missing 23.5 percent and 18.7 percent, respectively, of the required quizzes (see Table 2).

Table 2 – Induction Training Quiz Data

Title	Number of Employees	Employees With Missing Quizzes	Number of Employees With Complete File	Number of Quizzes Required in File	Number of Quizzes Missing	Percent
Conductors	50	23	27	200	47	23.5
Train Operators	56	37	19	651	122	18.7

Additionally, Yard Practical exams were missing from the files of three of the sampled Conductors, and Road Practical exams were missing for one Conductor and seven Train Operators. Transit has no assurance of the students' actual scores or that the quizzes were even administered. We also found that several employees who failed the required exams were allowed to retest. Four of the 50 Conductors we sampled failed their final exam on their first try, were retested, and received a passing grade. Another eight Conductors and six Train Operators failed their Yard Practical Exams and were retested and received a passing grade. There appears to be a relationship between failed tests and/or missing tests and quizzes and later performance.

A comparison of the probationary records of four Train Operators with five or more operating incidents shows that all four had a history of failed and/or missing tests and quizzes. For example, the file of the Train Operator with nine operating incidents was missing Road Practical exams results and six quizzes. In addition, this employee failed two quizzes and the YX program. Once assigned to operate a train, this employee was involved in seven brakes in emergency (an unplanned emergency application of the train's brakes), including three while in motion; a station overrun; and a signal overrun. Upon the sixth incident, the employee was returned for additional training. Another Train Operator with five operating incidents had three missing quizzes and one failed quiz in the file. Moreover, this employee initially failed the final Yard Practical exam (and retested) and the Road Practical exam before ultimately being referred back for additional training.

Transit officials advised us that they have a progressive monitoring program of corrective action for their employees who have chronic issues with train operations. Every incident is reviewed, and where a pattern is noted, management takes action, ranging from field training by a TSS to termination/demotion.

While these actions are valuable, early identification and correction of problems generally is not only more cost effective but helps to prevent safety problems from arising in the first place. A robust set of practices, including extensive training and strict controls over learning indicators, helps to ensure safe train operations. Without demonstrating adherence to those practices and without clarity in the process, Transit is at risk for operating and safety incidents.

Refresher Training

After completion of Induction Training, Refresher Training is required for train crews every three years. For a Train Operator it is three days, and for a Conductor, it is four. Each Refresher Training consists of a classroom day, a road day, and a fire and evacuation class. The fourth day of Refresher Training for Conductors covers communications. Conductors and Train Operators must attend all days of their Refresher Training for the training to be considered complete. At the end of the training there is a test. If the Conductor or Train Operator scores below 80, it is considered a failing grade. An employee with a failing grade is allowed one retake; if the employee fails a second time, they return to the field and the supervisor is notified of the failing grade.

Of a sample of 96 Conductors and Train Operators, we reviewed the training files for 45 and found an average grade of 75 for the quizzes. Of the 45 files, 6 had no test papers in the file, 16 passed, and 23 failed the Refresher Training quiz and returned to work.

In addition, for the total 96 employees we sampled, 22 were overdue for Refresher Training, 55 were on time, 7 did not require training, 3 had been promoted, and 9 had no history.

In response to our findings, Transit officials explained that Refresher Training is not completed in a timely manner because employees are not required to attend training on their scheduled days off. Additional challenges include the difficulty of scheduling eight-hour daytime training for employees who work midnight or evening shifts and scheduling coverage by other staff to maintain train service.

Nevertheless, missed or late Refresher Training is a concern, as the material covered is intended to update the employees on current operating, communications, fire, and evacuation procedures and create a “safety first” environment.

Train Service Supervisors

While their role is primarily supervisory, TSSs also undergo Induction Training. TSS trainees are administered three written tests (midterm, final, and signal) and a hands-on Road Practical exam during their training period. In order to pass training, employees must receive a passing grade (80 percent or higher) for the midterm, final, and Road Practical exams and achieve a score of 100 percent on the signal test.

We reviewed six TSS Induction Training files and found that there were missing tests and poor file maintenance. Of the six files:

- One was missing the midterm test;
- Two were missing the final test;
- For six, the signal test was either missing (3), not graded (2), or incorrectly graded (1); and
- Two were missing the Road Practical exam.

Notably, only one file contained time sheets verifying the employee's attendance during the entire eight-week training period. All other files were missing time sheets for large blocks of training time, including one that contained a single time sheet accounting for only two of the eight training weeks.

Without the required documentation, there is limited assurance that TSSs attended all required sessions and completed and passed all required exams.

Recommendations

1. Identify and prioritize ways to schedule all training to comply with Transit requirements.
2. Require all instructors to review the class files periodically during and at the end of training to ensure that all quizzes, tests, and examinations are documented, graded, and retained and that attendance sheets are placed in the file.
3. Clarify the requirements regarding retests, as established in the February 10, 2015 Training Policy Memorandum, that must be met for students to remain in the training program.
4. Evaluate the Refresher Training to determine the reason for the low passing rate and implement corrective action.

Medical Assessments

Transit's Policy Instruction on Medical Assessments of Applicants and Employees 4.28.2 (Policy Instruction) establishes medical assessment requirements for employees in safety-sensitive titles, including Train Operators and Conductors. Train crews are subject to a pre-employment physical examination, an annual hearing exam, as well as a full medical examination periodically (every two years for Train Operators and every five years for Conductors). Our review of records for 96 employees, including Train Operators and Conductors, indicated that medical examinations were not scheduled in compliance with the Policy Instruction.

Forty-four of the 96 Conductors and Train Operators in our sample were required to have at least one biennial medical examination during our audit scope period. As detailed in Table 3, these assessments were not performed as required.

Table 3 – Periodic Medical Examinations

Title	Sample		Medical Exams					
	Total	Requiring Exams	No. Required	No. Completed			No. Not Done	
				Total	Early	On Time		Late
Train Operators	49	33	36	31	13	2	16	5
Conductors	47	11	12	12	6	0	6	0
Totals	96	44	48	43	19	2	22	5

A total of 36 periodic medical examinations were required for the 33 Train Operators in our sample; 16 were done late, 2 were done on time, and 5 were not done. On average, periodic exams were performed 51 days later than required. A total of 12 exams were required for 11 Conductors in our sample. Six of the 12 exams were performed late by an average of 61 days.

We also found that MAC requested a total of 129 revisits for 28 Train Operators in our sample; of these, 38 were late and 3 were not done (more than 180 days late). In addition, MAC requested a total of 166 MAC revisit requests for 27 Conductors; of these revisits, 52 were late and 9 were not done (more than 180 days late).

As detailed in Table 4, the required annual hearing tests were likewise not completed as required.

Table 4 – Annual Hearing Test Data

Title	Sample		Hearing Tests					
	Total	Requiring Tests	No. Required	No. Completed			No. Not Done	
				Total	Early	On Time		Late
Train Operators	49	34	75	66	34	2	30	9
Conductors	47	28	95	95	48	2	45	0
Totals	96	62	170	161	82	4	75	9

Of the 49 Train Operators, 34 were required to have between one and four annual hearing tests, for a total of 75 required tests. Of these 75 tests, 30 were late and 9 were not done. On average, late tests were 34 days overdue. In addition, 28 of the 47 Conductors were required to have a total of 95 hearing tests, 45 of which were late by an average of 18 days (ranging from 1 to 105 days).

TSS Medical Testing

According to Rapid Transit Operations personnel, employees in the TSS title are not subject to the medical testing that's required of Train Operators and Conductors. However, under the Notice

of Examination for the Promotion of Train Service Supervisors, TSS job requirements include maintaining train operating skills by operating trains on a regular basis. Since TSS personnel can be required to operate trains on a regular basis, it appears that for the purposes of section 35(c) (3) of the Rules and Regulations, a TSS should be subject to the same requirement of a medical examination every two years or at more frequent intervals as deemed necessary.

Recommendation

5. Develop a system that properly tracks and monitors employees' medical examinations, revisits, and hearing tests to ensure they are performed on time.

Audit Scope, Objectives, and Methodology

To determine whether the Metropolitan Transportation Authority's New York City Transit established and implemented training and retraining programs for train crews to ensure safe train operations; ensured that train crews are medically fit; and periodically monitored train crews for continued medical fitness. The audit period covered from January 1, 2013 to October 31, 2016.

To accomplish our objectives and evaluate the related internal controls, we interviewed Transit officials. We selected a random sample of 112 employees, including 50 Conductors, 56 Train Operators, and 6 TSSs, from a population of 2,217 employees who attended Induction Training during the three calendar years ended December 31, 2015.

For our examination of Refresher Training, we selected a random sample of 105 of 1,640 Transit employees (49 Train Operators, 47 Conductors, and 9 TSSs) to determine whether the Train Operators and Conductors attended Refresher Training from January 1, 2013 to October 31, 2016. For the total of 96 Train Operators and Conductors, we reviewed files for 45 employees, and for the remaining 51 employees we obtained information from Operations Support Training.

We used the same sampled employees to determine whether they received medical assessments. Our audit scope was from January 1, 2013 to October 31, 2016. We reviewed medical assessment files dating back to January 1, 2010 to find the preceding exam before our scope.

We compared Rail Control Center train incident logs of newly trained crews with our random sample of Train Operators and Conductors to determine if they were involved in any incidents.

We conducted our performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained during our audit provides a reasonable basis for our findings and conclusions based on our audit objectives.

In addition to being the State Auditor, the Comptroller performs certain other constitutionally and statutorily mandated duties as the chief fiscal officer of New York State. These include operating

the State's accounting system; preparing the State's financial statements; and approving State contracts, refunds, and other payments. In addition, the Comptroller appoints members to certain boards, commissions, and public authorities, some of whom have minority voting rights. These duties may be considered management functions for purposes of evaluating organizational independence under generally accepted government auditing standards. In our opinion, these functions do not affect our ability to conduct independent audits of program performance.

Authority

The audit was performed pursuant to the State Comptroller's authority as set forth in Article X, Section 5 of the State Constitution and Section 2803 of the Public Authorities Law.

Reporting Requirements

We provided a draft copy of this report to MTA officials for their review and formal comment. We considered their comments in preparing this final report and have attached them in their entirety at the end of it.

MTA officials disagreed with the findings and recommendations because they claim the auditors interpreted the training or medical assessment not being completed on the employee's exact anniversary date as meaning that the employee is out of compliance. They added that it was explained to the auditors that required training and medical assessments are done during the employee's birth month to avoid significant overtime costs that would be incurred if training and medical assessments were required to occur on the exact anniversary of the hire date. They also stated it is their practice to allow six months for scheduling Refresher Training. The rest of the response continues in a pattern of eliminating or lowering requirements in Transit's Policy Instruction and System Safety Program Plan regarding periodic medical assessments and Refresher Training. We question why the MTA chose to lower or change its standards instead of improving its performance. By doing so, the MTA weakens the safety features the requirements were intended to provide. Our rejoinders to certain MTA comments are included as part of the State Comptroller's Comments.

Within 90 days after the final release of this report, as required by Section 170 of the Executive Law, the Chairman and Chief Executive Officer of the Metropolitan Transportation Authority shall report to the Governor, the State Comptroller, and the leaders of the Legislature and fiscal committees advising what steps were taken to implement the recommendations contained herein, and where the recommendations were not implemented, the reasons why.

Contributors to This Report

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Vision

A team of accountability experts respected for providing information that decision makers value.

Mission

To improve government operations by conducting independent audits, reviews and evaluations of New York State and New York City taxpayer financed programs.

Agency Comments

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Metropolitan Transportation Authority

State of New York

December 26, 2017

Ms. Carmen Maldonado
Audit Director
The Office of the State Comptroller
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New York, NY 10038

Re: Draft Report #2016-S-26 (NYC Transit Operational Training and Medical Assessments of Train Crews)

Dear Ms. Maldonado:

This is in reply to your letter requesting a response to the above-referenced draft report.

I have attached for your information the comments of Phillip Eng, Acting President, MTA New York City Transit, which address this report.

Sincerely,

A handwritten signature in blue ink that reads "V. Hakim".

Veronique Hakim, MTA Managing Director

c: Joseph J. Lhota, MTA Chairman
Michael J. Fucilli, Auditor General, MTA Audit Services

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

Memorandum



Date December 22, 2017

To Joseph Lhota, Chairman, MTA

From Phillip Eng, Acting President, NYC Transit 

Re New York State Comptroller Report #2016-S-26: Operational Training and Medical Assessments of Train Crews

This information is being provided in response to the New York State Comptroller’s audit report on operations training and medical assessments of train crews. The purpose of the audit was to determine whether NYCT established and implemented training and retraining programs for train crews to ensure safe operations, and ensured that train crews are medically fit and periodically monitored for continued medical fitness.

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Comment 1

NYCT strongly disagrees with the findings and recommendations contained in this report. The Auditors are interpreting any training or medical assessment not completed on the employee’s *exact* anniversary date as meaning that the employee is out of compliance. In other words, if an employee received a periodic medical exam one day before their date-of-hire anniversary, the Auditors considered the employee out of compliance. As explained to the Auditors, however, train crews receive required training and medicals during their birth month to avoid significant overtime costs that would be incurred if training and medical assessments were required to occur on the exact anniversary of the hire date. Since hourly employees are on-boarded in large groups (generally 30-70 per class), 10-12 times per year, pulling them from service for training and medicals on their exact anniversary date would necessitate large groups removed from picked work jobs simultaneously. Using the birth month smooths out the scheduling over the course of the year and minimizes the impact upon employee availability and service to our ridership. This long-standing practice is supported by the NYC Transit Office of System Safety.

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Comment 2

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Comment 3

Furthermore, in almost every single instance in which the Auditors claimed that training or medicals were not done, NYCT provided time-keeping documentation to show that the employees in question were not in service at the time due to separation, long-term sick leave, workers compensation, leave of absence, or suspension and that training or medicals for employees who returned to work were all rescheduled. The Auditors rejected this documentation stating that it was derived from a time-keeping system that they had not audited, even though the system has been audited by MTA’s external auditors. The Auditors instead relied on PeopleSoft records, which is not intended to track absences.

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Comment 4

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Comment 5

* See State Comptroller’s Comments, page 19.

Comptroller Recommendation #1: Identify and prioritize ways to schedule all training to comply with Transit requirements.

NYCT Response: NYCT strongly disagrees with this recommendation. NYCT is in compliance with its own requirements. As stated above, NYCT explained that almost all the instances the Auditors indicated were non-compliant were due to NYCT's practice of scheduling by birth month or because the employee was absent on his/her scheduled date. It should be noted that NYCT has controls in place to ensure training takes place in accordance with policy; our internal control process conducts annual compliance tests, and safety training audits are performed by the NYCT Office of System Safety every three years. NYCT will revise the wording in our policies to clarify the flexibility to schedule training during the birth month.

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Comment 6

With regard to refresher training, NYCT's Training Unit works with the operating department to ensure that refreshers are scheduled with minimal disruption to operations. With very few exceptions, NYCT ensures that employees receive refresher training within an allowable tolerance of approximately six months. For the very small number that are not refreshed within the appropriate timeframe, we ensure that these employees are identified and rescheduled promptly. Of the 22 employees who the Auditors claimed were overdue for refreshers, 15 were on Restricted Duty and separated before their reschedule date, 1 was on Union Release, 3 had been refreshed within the scheduled tolerance (note that restricted and union release employees do not receive refreshers). There were 3 employees that were overdue, but they had all retired before their reschedule date.

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Comment 7

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Comment 8

Comptroller Recommendation #2: Require all instructors to review the class files periodically during and at the end of training to ensure that all quizzes, tests, and examinations are documented, graded, and retained, and that attendance sheets are placed in the file.

NYCT Response: NYCT disagrees with the recommendation to retain paper attendance sheets in the file, as the attendance can be verified through both the timekeeping and Learning Management Systems. NYCT has created an electronic system to track class files and has instituted an internal control to ensure that periodic file reviews are conducted.

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Comment 9

Comptroller Recommendation #3: Clarify the requirements regarding retests, as established in the February 10, 2015 Training Policy Memorandum, that must be met for students to remain in the training program.

NYCT Response: NYCT disagrees with this recommendation. NYCT's training programs adhere to a set of policy requirements identified in the manuals for the relevant titles that are consistent with the Training Policy Memorandum. The Memorandum has been revised to reflect the practices of allowing a re-test for the midterm, final, or yard practical exam in the event of a failure.

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Comment 6

Comptroller Recommendation #4: Evaluate the Refresher Training to determine the reason for the low passing rate and implement corrective action.

NYCT Response: NYCT disagrees with this recommendation. As explained to the Auditors, there are no “tests” administered during refresher training. There is a skill assessment at the beginning of the course that gives the Instructor a snapshot of the participant’s current understanding of certain topics. The assessment is not used as a determinant of the employee’s ability to perform his/her job or to have successfully completed refresher training. That determination is made by the Instructor, who ensures the student’s attendance and evaluates that the student completed and demonstrated competency in all assigned topics. The Auditors are confusing the refresher skill assessment with the induction training exams which require a passing grade.

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Comment 10

Comptroller Recommendation #5: Develop a system that properly tracks and monitors employees’ medical examinations, revisits, and hearing tests to ensure they are performed on time.

NYCT Response: NYCT disagrees with this recommendation. As discussed at length with the Auditors, NYCT already appropriately tracks and monitors employee medical exams. In every single instance the Auditors identified, there was a valid reason for any discrepancy. As explained above, most of the discrepancies were due to the fact that we schedule based on birth month and the Auditors regarded compliance as the exact anniversary date only. (As a result of this Audit, we revised the wording in our medical policies to clarify this flexibility to schedule). The remaining discrepancies were due to employee absences, which the Auditors have refused to accept because, as noted above, they did not audit our timekeeping system.

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Comment 11

State Comptroller's Comments

1. In its response, the MTA focuses on one issue – the use of birth dates rather than anniversary dates – in determining when training and medical assessments are due. The overall findings, which the MTA does not significantly address, raise concerns about how the MTA monitors training and retraining for train crews as well as medical fitness.
2. Rather than disagreeing with the audit finding, the agency is disagreeing with its own policies. The Policy Instruction governing the medical assessments of Transit employees is stated in Policy 4.28.2. This policy was in effect during the audit period. There is no reference to a date of birth rule in the policy or any mention of an acceptable grace period ([the policy is attached](#)). Similarly, the training policy also does not mention either. In its response, the MTA states that it schedules medical examinations and Refresher Training based on birth date – not hire date – and it is flexible with the date (adding a grace period of six months). However, that is not in compliance with the policies that are in effect as of the MTA's response. It is the agency's responsibility to set policies and procedures to meet the agency's goals. If, because of the cost, the agency deemed it necessary to change its policies, then that is within its discretion. However, the MTA did not do that. By failing to follow its own policies, it creates risk for the agency.
3. Transit's policies do not mention the employee's birth month or give the agency flexibility to schedule Refresher Training when convenient. Instead, they state the time period between events as three years. Transit's current practice does not comply with its current policy, and if the Office of System Safety supports the current practice, it should change the current policy so that it agrees with the MTA's current practice. Moreover, this practice should be accurately disclosed in the MTA's annual System Safety Plan that is filed with the Public Transportation Safety Board.
4. Transit's response that the auditors would not accept timekeeping records is incorrect. In the instances where the information provided was sufficient to support a change in the initial results, the results were adjusted. For instance, where Transit officials stated they had records to support the reasons why employees did not attend Refresher Training and/or report for a medical assessment, we reviewed the "Payroll Schedule of Employee's Terminal Allowance" printed by the Transit Payroll Department. Our initial results were revised to reflect the new information where it supported that the employee was not at work. However, most of the additional information was insufficient to support a change in the findings. For instance, the MTA provided screenshots of training-related information as evidence that employees' medical appointments were rescheduled. However, without the required documents that show the medical assessment was done and the employee was found medically fit for duty, that evidence was insufficient.

Specifically, the MTA's Policies and Instructions state that a form G-46 "Request for Medical Examination" must be provided to the employee and has to be presented at the MAC. When the medical assessment is completed, the physician completes the G-46

and enters a progress note in “MedGate.” The employee must present the completed G-46 to his/her supervisor upon reporting for work. The G-46 has the date when the employee is required to return to the medical center for a revisit. In its response, Transit, despite requiring the employee to return the G-46 with the actual results, argues that the auditors should accept an entry in the electronic record as sufficient evidence the medical examination was done, rather than the required supporting documentation that the MTA’s policy requires. Moreover, if the MTA is accepting payroll records instead of a signed assessment as evidence that the actual assessment was completed by a physician, that would constitute a serious control issue.

5. Transit officials also introduced the work done by its external auditor as evidence that its records are reliable and should be accepted by the State auditors. However, the documentation was not accepted because it did not adequately address the finding, not because of issues with reliability.
6. As stated above, we audited against Transit’s official policy and found that Transit was not always in compliance with its requirements.
7. Transit’s official policies do not mention the “allowable tolerance of approximately six months” that the MTA states it provides. Such a grace period, coupled with using the birth date instead of the hire date, could cause significant delays. For example, an employee born in December and hired in January who was scheduled for training or a medical assessment every two years could be “in compliance” with the MTA practice and still not receive training or a medical assessment for almost three and a half years. As this is a safety issue, change to the formal time between training events should be assessed based on risk, and properly documented in Transit’s System Safety Program Plan and reported to the Public Transportation Safety Board.
8. Transit did not provide documentation to support the information regarding the 22 employees despite repeated requests to provide any relevant information. It is therefore unclear if the conditions the MTA mentioned existed when training was due under the policy or existed in the grace period that the MTA used, which grants significant leeway (up to 17 months) to scheduling required appointments. The “17 months” is calculated as follows: Using the example in Comment 7, an employee born in December and hired in January should be given Refresher Training the following December (11 months from when hired). Then the MTA allows a “six-month” grace period, which could allow employees up to 17 months for the Refresher Training.
9. The training manual requires the documents to be retained in the students’ files. Whether Transit keeps these files electronically or in paper is not relevant. What is relevant is that Transit did not have records to support that all training was done for 57 percent of the Conductors and Train Operators.
10. Based on the documents within training files, both quizzes and tests are given. A “Conductor Refresher Quiz” and a “T/O Refresher Quiz” with 20 questions are both given, as well as

a “Road Skills Evaluation Retest” with ten questions used for Train Operator retests. We have attached a copy of an [answer sheet](#) from the two refresher courses, one each for a Train Operator and a Conductor. These sheets clearly state at the top “TEST SCORE.”

11. Transit should be mindful of the purpose of its policies, which is to ensure its train crews are fit for duty. In considering whether to change the policy, Transit should weigh the cost of overtime versus the risk of delaying required physical exams up to 17 months based on its birthday month practice.

MTA Medical Assessment Policy

MTA NEW YORK CITY TRANSIT AUTHORITY

SUBJECT: MEDICAL ASSESSMENTS OF APPLICANTS AND EMPLOYEES
 CLASSIFICATION: OFFICE OF THE EXECUTIVE VICE PRESIDENT, DIVISION OF HR
 NUMBER / ISSUED: POLICY INSTRUCTION No.4.28.2, July 2012
 (Supersedes Policy/Instruction 6.44.1 and Procedure No. 4.3.18)

VI. Authorized Medical Assessments

A. Pre-employment, Promotion and Placement Medical Assessments

- A.1 For the operating titles for which the Authority has determined medical assessments to be required (see Appendix A) applicants for employment or promotion shall be required to submit to a medical assessment performed by an OHS physician to determine whether the individual can perform the essential functions of the job with or without reasonable accommodation.
- A.2 Medical assessments described in A.1 will be performed only after the applicant for employment or promotion has been determined to be otherwise qualified for employment/promotion and has been made an offer of employment/promotion, subject only to a satisfactory medical assessment.
- A.3 Effect of Pre-employment, Promotion and Placement Medical Assessments

Where, as the result of an assessment, an applicant is determined to meet the threshold medical standards but may be unable to perform the essential functions of the job without a reasonable accommodation, the applicant will be referred for a determination of whether a reasonable accommodation is needed and available. The accommodation assessment will be performed in accordance with the procedures set forth in the Authority's Reasonable Accommodation Policy/Instruction (No. 4.16.2 or subsequent revised updates). If the applicant is determined to be unable to perform the essential functions of the job with or without a reasonable accommodation, the applicant will be denied employment/promotion to the position.

B. Periodic Medical Assessments

- B.1 For the following job titles, commencing two years from an employee's date of hire or promotion, periodic medical assessments of all incumbents will be performed every two years, by a physician or designated medical consultant employed by the Authority, to determine their fitness to perform the essential functions of the job:

MTA NEW YORK CITY TRANSIT AUTHORITY

SUBJECT: MEDICAL ASSESSMENTS OF APPLICANTS AND EMPLOYEES
CLASSIFICATION: OFFICE OF THE EXECUTIVE VICE PRESIDENT, DIVISION OF HR
NUMBER /ISSUED: POLICY INSTRUCTION No.4.28.2, July 2012
 (Supersedes Policy/Instruction 6.44.1 and Procedure No. 4.3.18)

NYCTA/MaBSTOA	SIRTOA
Train Operator	Locomotive Engineer
Bus Operator	Trackworker Machine Operator
Tower Operator	Train Dispatcher

B.2 For the Conductor title (NYCTA) and the Conductor/Trainman titles (SIRTOA), commencing five years from an employee's date of hire, periodic medical assessments of incumbents to determine their fitness to perform the essential functions of the job will be performed every five years.

B.3 Effect of Periodic Medical Assessment

Where, as the result of a medical assessment, an incumbent is determined to be unable to perform the essential functions of the job, he or she may be referred for assessment under the Reasonable Accommodation (NYCTA, MaBSTOA and SIRTOA) Policy/Instruction Nos. 4.16.2 or subsequent revised updates).

C. Injury-on-Duty Medical Assessments

All policies and procedures relating to Injury on Duty (IOD) related medical assessments are set forth in the Injury Response Guidelines as of August 2011 or subsequent update.

D. Non Injury on Duty Absences

D.1 Medical Assessment Required

D.1.a All safety sensitive employees in the job titles specified in the Appendix must be directed by their Employing Departments to OHS prior to carrying out assigned functions after being absent 21 consecutive calendar days due to a non-job-related medical condition, injury or illness (non-IOD) and must provide OHS at the time of the assessment with medical documentation from an appropriate qualified health care provider concerning the medical condition, injury or illness and the employee's current medical status.

D.1.b OHS shall perform a medical assessment to determine the status of the employee's condition, illness or injury to determine whether the employee is fit for duty. OHS shall apprise the Employing Department

MTA – Train Operator Refresher Course Documents



New York City Transit

**DEPARTMENT OF SUBWAYS
SYSTEM SAFETY PROGRAM PLAN**

2016

Train Operator (T/O) Induction Training qualifies newly appointed Train Operators to perform the duties and take on the responsibilities of a Train Operator. Upon completion of this course participants will be able to:

- Demonstrate familiarity with the operating procedures for trains on the various lines within the NYC transit system
- Demonstrate proper procedures for safely operating a train in both yards and on mainline tracks
- Correctly explain and demonstrate proper procedures for dealing with emergency situations

Course length - Subdivision "A" 85 days and for Subdivision "B" 110 days.

T/O Refresher Training is designed to enhance the knowledge and improve the skills of RTO Train Operators. Using non-revenue trains and simulators, the participants review train operation in revenue and non-revenue, road, yard, and terminal service. The course also reinstructs Train Operators in day-to-day operations and emergency procedures. The course length is 3 days and required to be repeated every 3 years.

Conductor Induction Training qualifies newly appointed Conductors to perform the duties and take on the responsibilities of a Conductor. Upon completion of this course participants will be able to:

- Demonstrate familiarity with the operating procedures for trains on the various lines within the NYC transit system
- Demonstrate proper procedures for safely operating a train on mainline tracks
- Correctly explain the importance of timely and accurate communication between train personnel, supervision and customers.

Course length - Subdivision "A" 32 days and for Subdivision "B" 35 days.

Conductor Refresher Training is designed to enhance the knowledge and improve the skills of the Conductor in proper door operation, customer communications, and Train Operator and Control Center interactions.

The course length is 4 days and is required every 3 years.

Tower Operator Induction Training qualifies newly appointed Tower Operator to perform the duties and take on the responsibilities of a Tower Operator. Upon completion of this course participants will be able to:

- Operate Towers safely and confidently in yards and on mainline tracks
- Identify Tower parts and their functions
- Perform basic troubleshooting

sample # 3



ANSWER SHEET

TEST SCORE: 75%

DATE: 9-18-14

T/O REFRESHER QUIZ

(1)	D	(11)	B
(2)	B B	(12)	A
(3)	C	(13)	D
(4)	D	(14)	D X
(5)	D	(15)	C X
(6)	A	(16)	D
(7)	A	(17)	A X
(8)	A X	(18)	D
(9)	A	(19)	A X
(10)	B	(20)	B X

DIV. A

PRINT NAME: [REDACTED]

T/O SIGNATURE: [REDACTED]

PASS #: [REDACTED]



ANSWER SHEET

TEST SCORE: 70

DATE: 2/24/15

CONDUCTOR REFRESHER KNOWLEDGE AND AWARENESS

(1) C	(11) B
(2) B	(12) C
(3) A	(13) A x
(4) A	(14) A x
(5) A	(15) A
(6) D	(16) C
(7) C x	(17) A x
(8) D	(18) C x
(9) D x	(19) D
(10) B	(20) D

PRINT NAME

C/R SIGNATURE

PASS #