



**Elizabeth Keating**  
**Acting MTA Inspector**  
**General**

## **Office of the Inspector General**

**Metropolitan Transportation Authority**

One Penn Plaza, 11th Floor, Suite 1110

New York, NY 10119

212-878-0000

May 22, 2023

Via Electronic Mail

Richard Davey  
President  
New York City Transit  
2 Broadway  
New York, NY 10004

**Re: Unauthorized Dual Employment by  
NYC Transit Dual Rate  
Trackworker/Chauffeur  
MTA/OIG #2023-11**

Dear Mr. Davey:

The Office of the MTA Inspector General (OIG) substantiated an allegation that an MTA New York City Transit ("NYC Transit") Dual Rate Trackworker/Chauffeur ("the Trackworker/Chauffeur") engaged in unauthorized dual employment and violated NYC Transit's hours of rest restrictions. Specifically, OIG found that the Trackworker/Chauffeur worked for two different freight companies – Freight Company 1 and Freight Company 2 – while employed with NYC Transit and failed to obtain dual employment authorization for either job. In addition, in doing so, he violated NYC Transit's hours of service rest rules for his safety-sensitive position 156 times; he worked overlapping hours for NYC Transit and Freight Company 1 on seven occasions; and finally, he took sick leave from his NYC Transit job and then went to work at Freight Company 1 on 30 occasions. OIG recommends that NYC Transit impose discipline for the Trackworker/Chauffeur as it deems appropriate, up to and including termination.

## I. BACKGROUND

NYC Transit hired the Trackworker/Chauffeur in 2011 and he has maintained the same position since. The Trackworker/Chauffeur is assigned to the 38th Street Yard in Brooklyn; his duties primarily include driving a truck to deliver materials and tools to various job sites, sitting and waiting in the vehicle for jobs to be completed, and responding to any emergencies. The Trackworker/Chauffeur's shift is overnight, from 10:00 pm to 6:00 am, with Fridays and Saturdays as his regular days off. The Trackworker/Chauffeur holds a position designated as safety-sensitive by the FTA, and as such is required to have eight consecutive non-working hours in the 16-hour period before reporting to work to ensure adequate rest for his own safety as well as the safety of his coworkers and the public.

## II. INVESTIGATION

### A. Records Reviewed

#### 1. *Time, Attendance, and Pay Records: Freight Company 1 and NYC Transit*

In April 2022, OIG received a complaint from a representative of Freight Company 1 regarding the Trackworker/Chauffeur. The complainant advised that the Trackworker/Chauffeur had been hired as a City Driver by Freight Company 1 on September 10, 2019, making freight deliveries and pick-ups throughout New York City, Monday to Friday, from around 8:00 am until 4:00 or 8:00 pm, depending on his workday. The complainant also informed OIG that at the time he made his complaint, the Trackworker/Chauffeur had been working for Freight Company 1 for approximately two years and seven months, when the complainant learned of the Trackworker/Chauffeur's concurrent job with NYC Transit. The complainant also provided OIG with records from Freight Company 1, including the Trackworker/Chauffeur's time and attendance records for the time period of September 10, 2019 through April 14, 2022, as well as a termination letter indicating that the Trackworker/Chauffeur's last date of employment with Freight Company 1 was April 8, 2022.

OIG reviewed the Freight Company 1 records along with NYC Transit Kronos clock in/out data, sign in/out sheets, and pay records relating to the Trackworker/Chauffeur for the time period of September 1, 2019 through March 11, 2022. An analysis of the two sets of records indicated the following. First, there were 156 instances where the Trackworker/Chauffeur did not have a consecutive eight hours of rest in the 16 hour period before reporting to his NYC Transit job.<sup>1</sup> Of the 156 occurrences where the Trackworker/Chauffeur did not get the requisite

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<sup>1</sup> A complete chart is attached as Exhibit A.

rest, on seven of those occurrences, the Trackworker/Chauffeur's NYC Transit and Freight Company 1 shift times overlapped.<sup>2</sup> Finally, there were 30 occasions whereby the Trackworker/Chauffeur called out sick for his overnight shift with NYC Transit and then worked at Freight Company 1 right after his shift with NYC Transit would have ended.<sup>3</sup>

As noted above, the Trackworker/Chauffeur has a safety-sensitive position and is required to have eight consecutive non-working hours in the 16-hour period prior to a shift with NYC Transit. The Trackworker/Chauffeur, however, did not get the requisite rest while working simultaneously for NYC Transit and Freight Company 1 and was in flagrant violation of the hours of service rest rules for many weeks at a time.

The records revealed that the Trackworker/Chauffeur worked consecutive weeks without much rest at all, for many consecutive weeks at a time.

- In the three-week period of August 10, 2020 through August 27, 2020, the Trackworker/Chauffeur violated the hours of service rest rules 13 times. In fact, the Trackworker/Chauffeur had only approximately 51 hours of rest during the three work weeks. (See Exh. A, Hours of Service Rest Rules Violations 31-43.)
- In the three-week period of March 10, 2021 through March 31, 2021, the Trackworker/Chauffeur violated the hours of service rest rules 11 times. In fact, the Trackworker/Chauffeur had only approximately 44 hours of rest during the three work weeks. (See Exh. A, Hours of Service Rest Rules Violations 76-86.)
- In the two-week period of February 7, 2022 through February 18, 2022, the Trackworker/Chauffeur violated the hours of service rest rules eight times. In fact, the Trackworker/Chauffeur had only approximately 36 hours of rest during the two work weeks. (See Exh. A, Hours of Service Rest Rules Violations 143-150.)

In total, from December 29, 2019 through March 9, 2022, the Trackworker/Chauffeur violated the 8-hour rest requirement on 156 occasions. On seven of those occurrences, between January 20, 2020 and November 10, 2021, the Trackworker/Chauffeur's time with NYC Transit and Freight Company 1 overlapped, with the records indicating that the Trackworker/Chauffeur had clocked in at Freight Company 1 before he finished his NYC Transit shift.<sup>4</sup> For example, on January 19, 2020, the Trackworker/Chauffeur worked for NYC Transit from 10:00 pm until 10:00 am the next morning, yet clocked in that same morning with Freight Company 1 at 7:52

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<sup>2</sup> A complete chart is attached as Exhibit B.

<sup>3</sup> A complete chart is attached as Exhibit C.

<sup>4</sup> On the seven dates, there is no Kronos clock out data for the NYC Transit shifts; yet the sign in/out sheets and pay records reflect that the Trackworker/Chauffeur was paid for working his entire shifts.

am; thus there was an overlap of 2 hours and 8 minutes. See Exhibit B (p. 16) for data regarding all seven occurrences of overlap.

On 30 occasions between February 2, 2020 and February 23, 2022, NYC Transit pay records indicate that the Trackworker/Chauffeur took “sick leave” or “sick without pay” for his overnight 10:00 pm to 6:00 am shift with NYC Transit, and then proceeded to work a daytime shift at Freight Company 1 starting at approximately 8:00 am that morning. There were seven instances when this occurred for multiple days in a row. For example, in February 2021, the Trackworker/Chauffeur called out sick for his overnight NYC Transit shift three days in a row but worked full daytime shifts at Freight Company 1 for those same three days.

| Violation of Sick Leave Policy | Date           | Clock In   | Clock Out |
|--------------------------------|----------------|------------|-----------|
| 10                             | Tue 02/09/2021 | Sick Usage |           |
|                                | Tue 02/09/2021 | 8:10 AM    | 7:00 PM   |
| 11                             | Wed 02/10/2021 | Sick Usage |           |
|                                | Wed 02/10/2021 | 7:58 AM    | 7:36 PM   |
| 12                             | Thu 02/11/2021 | Sick Usage |           |
|                                | Thu 02/11/2021 | 8:00 AM    | 7:48 PM   |

See Exhibit C (p. 17) for data regarding all 30 violations of the sick leave policy.

## 2. Financial Records and Freight Company 2 Records

OIG reviewed financial records for the period of April 1, 2022 through August 31, 2022, in the name of the Trackworker/Chauffeur’s wife. The financial records reflected deposits of NYC Transit income earmarked for the Trackworker/Chauffeur, as well as weekly deposits totaling \$2,761.38 from Freight Company 2.<sup>5</sup>

Upon noting the deposits from Freight Company 2, OIG obtained and reviewed time and attendance records from Freight Company 2 relating to the Trackworker/Chauffeur. These records indicated that the Trackworker/Chauffeur was employed as a driver at Freight Company 2 from May 31, 2022 through September 20, 2022.<sup>6</sup>

<sup>5</sup> The financial records did not include the entire span of the Trackworker/Chauffeur’s employment with Freight Company 2, as OIG only obtained records through up and until the date requested on August 1, 2022.

<sup>6</sup> Freight Company 2 was unable to provide any sign in or out data or records indicating the Trackworker/Chauffeur’s shift or scheduled work hours per day. Freight Company 2 was also not willing to provide a representative to speak with OIG about the Trackworker/Chauffeur’s employment with Freight Company 2.

## Interviews Conducted

### 1. *The Trackworker/Chauffeur*

The Trackworker/Chauffeur admitted to OIG that he worked as a truck driver for two trucking companies, Freight Company 1 and Freight Company 2, while employed with NYC Transit. He told OIG that he worked at Freight Company 1 for approximately two years, from about October 2020 until on or around March 11, 2022, 8:00 am to about 4:00 pm, Monday through Friday. The Trackworker/Chauffeur stated that after leaving Freight Company 1, he worked at Freight Company 2 for approximately three months, from around May 2022 until around August 2022, from about 8:00 am to about 2:00 pm. The Trackworker/Chauffeur said that prior to working at Freight Company 1, he did not have any other second jobs. He said he took the second job at Freight Company 1 because he had to pay approximately \$2,000 every pay period for child support. OIG asked the Trackworker/Chauffeur if he had ever left his NYC Transit job early to go to his job at Freight Company 1, and he said no. The Trackworker/Chauffeur admitted that following his recent resignation from Freight Company 2, he was doing local jobs as a plumber's helper/handyman, for which he works about one or two days a week, a couple hours in the morning.

Regarding authorization for his dual employment, the Trackworker/Chauffeur claimed that he did not know he needed authorization for second employment and confirmed that he never submitted any authorization request forms for either job with Freight Company 1 or Freight Company 2. He also acknowledged that his NYC Transit position is safety-sensitive and that he needs eight hours of consecutive rest. When asked if and how he was getting enough rest while working for both NYC Transit and the two Freight Companies, the Trackworker/Chauffeur told OIG, "it's a military thing", implying that he does not need a lot of rest.

### 2. *The Trackworker/Chauffeur's NYC Transit Supervisor*

The Trackworker/Chauffeur's supervisor, a Maintenance Supervisor I, at the 38th Street Yard ("the MSI"), told OIG that he has supervised the Trackworker/Chauffeur since September 2018 and confirmed that the Trackworker/Chauffeur works the overnight shift, 10:00 pm to 6:00 am, as a chauffeur, delivering tools to job sites throughout the Transit system. The MSI confirmed that the Trackworker/Chauffeur holds a safety-sensitive position and as such eight consecutive hours of rest are required. When asked about the Trackworker/Chauffeur's second employment as a freight truck driver, the MSI said he did not know anything about it. The MSI confirmed that if the Trackworker/Chauffeur had a second job, the Trackworker/Chauffeur would have had to submit a dual employment form which would need to be approved by the General Superintendent or Superintendent, and as far as the MSI knew, the

Trackworker/Chauffeur did not submit any such forms. The MSI also advised that if an employee calls out sick for his or her overnight shift, the registered sick leave day for NYC Transit payroll purposes is the morning date at the end of the overnight shift.

### III. POLICIES AND ANALYSIS

#### A. MTA All-Agency Code of Ethics

##### 1. § 4.02: Public Trust

Section 4.02 states, in pertinent part, that employees shall not engage in a course of conduct that will raise suspicion among the public that they are likely to be engaged in acts that are in violation of the public trust. Further, employees shall avoid even the appearance that they can be improperly influenced in the performance of their official duties or induced to violate the public trust or impair their independence of judgment in the exercise of their official duties.

Here, the Trackworker/Chauffeur failed to obtain approval for his outside activities and failed to report his outside activities. His conduct raises suspicion among the public that he is engaged in acts that are a violation of the public trust. In further violation of the public trust, on many occasions, the Trackworker/Chauffeur was signed in for work at two places at once, and, in numerous instances, he violated the safety-sensitive position requirements.

##### 2. § 4.07: Other Employment and Outside Activities

Section 4.07, states, in pertinent part, that employees may engage in outside employment/activity provided that such employment/ activity does not interfere with their ability to devote appropriate time and attention to their employment with their MTA Agency; they do not use any MTA Agency resources in connection with such employment, and they obtain the required approvals set forth in the specific procedures for approval of outside employment set by their MTA Agency. The policy also notes that outside employment/activities may pose ethical issues if there is a conflict between the Employee's duties and the requirements of the outside employment/activity.

Here, the Trackworker/Chauffeur failed to obtain the required approvals for his outside activities with Freight Company 1 and Freight Company 2. OIG learned that upon hire, the Trackworker/Chauffeur received a copy of the MTA Code of Ethics which contains the outside activity requirements for all MTA employees. He also filled out the NYC Transit "Dual Employment/Outside Activity Form", indicating that he had no other employment outside of NYC Transit, and signed and dated it on August 26, 2011. OIG also learned that the

Trackworker/Chauffeur again acknowledged receipt of the MTA Code of Ethics as part of his annual training in 2019.

## **B. NYC Transit Rules and Regulations and Policy/Instruction**

### *1. Rule 2(b) Knowledge of and Compliance with Rules*

Rule 2(b) states, in pertinent part, that employees who violate any of these rules may be disciplined in accordance with the Civil Service Law or their collective bargaining agreement or Authority policy, as applicable.

### *2. Rule 4(g)*

Rule 4(g), states, in pertinent part, that all employees must obtain NYC Transit approval before engaging in any occupation, business or professions, including self-employment, outside the Authority.

### *3. Rule 5(a): Reporting to Duty, and Rule 8(a): Reports by Employees*

Rule 5(a) states, in pertinent part, that absence from duty without proper authority is regarded by the Authority as willful neglect of duty and as a serious breach of discipline. “All leaves of absence for personal business must be approved in advance... Sick leave, whether with or without pay, will be granted only upon proper evidence that the employee was actually ill and unable to perform his/her duties during the period of the absence.” Rule 8(a) states, in pertinent part, that written reports must be complete and accurate. Employees who knowingly submit or make reports containing false statements shall be charged with misconduct and incompetence.

### *4. Rule 12(a)(10): Code of Ethics, Course of Conduct*

Rule 12(a)(10), states, in pertinent part, that employees shall not pursue a course of conduct which will raise suspicion among the public that he/she is likely to be engaged in acts that are in violation of his/her trust.

### *5. Rule 10(a): Conduct of Employees*

Rule 10(a), states, in pertinent part, that employees are required to avoid behavior which would tend to create adverse criticism of the Authority or of the System. Their conduct, whether on or off duty on System property, is required to be such as to merit the confidence and respect of the public and their superiors.

#### 6. *Policy/Instruction Number 4.23.2: Dual Employment*

The NYC Transit Policy/Instruction Number 4.23.2 for Dual Employment, Section IV, states, in pertinent part, that a current employee may not begin a secondary job until he or she receives approval for dual employment in writing, and Section VI, further provides, in pertinent part, that all current employees must file a dual employment request prior to commencing employment, including self-employment, with the Authority. Violation of these procedures may subject an employee to discipline, up to and including termination of employment, and/or may expose an employee to civil or criminal penalties.

The Policy also states that “while on sick leave from the Authority, employees must not work for another employer without express written authorization from the Authority.”

For those employees who hold safety-sensitive titles, the Policy further states that “[t]he proposed outside employment may not result in total, combined work time that prevents the employee from having eight consecutive non-working hours in the 16-hour period before reporting to work for the Authority.” The Policy notes one example of a dual employment request that may be denied—Inadequate Rest Time: “the job duties of an employee in a safety-sensitive position require that he/she be alert and capable of safely operating a vehicle or equipment. The employee may not work in other employment that does not result in having a block of eight continuous non-working hours in the 16-hour period before reporting to work for the Authority.”

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Here, the Trackworker/Chauffeur violated these policies when he did not submit requests for approval for his employment with either Freight Company 1 or Freight Company 2 and failed to obtain the requisite dual employment authorization for either job prior to or during their commencement. Additionally, his safety-sensitive position required him to have eight consecutive non-working hours in a 16-hour period prior to reporting to NYC Transit, yet on 156 occurrences he did not and violated the policy. And finally, the Trackworker/Chauffeur violated Transit policy on 30 occasions when he called out sick for his overnight NYC Transit shift and then went to work at Freight Company 1 the next morning for a regular daytime shift.

#### **C. New York State Public Officers Law § 74(3)(h)**

New York State Public Officers Law § 74(3)(h) states, in pertinent part, that “an officer or employee of a state agency, member of the legislature or legislative employee should

endeavor to pursue a course of conduct which will not raise suspicion among the public that he or she is likely to be engaged in acts that are in violation of his or her trust.”

Here, for the same reasons as stated above, the Trackworker/Chauffeur engaged in acts that violated his trust.

#### **IV. FINDINGS**

1. The Trackworker/Chauffeur failed to submit requests for approval for his outside employment at both Freight Company 1 and Freight Company 2 and engaged in unauthorized dual employment in violation of the MTA All Agency Code of Ethics § 4.07, NYC Transit Policy/Instruction Number 4.23.2, and NYC Transit Rules and Regulations, Rule 4(g).
2. The Trackworker/Chauffeur violated NYC Transit’s rest policy for his safety-sensitive position on 156 occasions, in violation of NYC Transit Policy Instruction Number 4.23.2, Section IV, Guidelines (B) (1).
3. The Trackworker/Chauffeur, on seven occasions, left his employment during NYC Transit hours to go to work for Freight Company 1, in violation of MTA All-Agency Code of Ethics §§ 4.02 and 4.07, NYC Transit Rules 5(a), 8(a), and 10(a), and NYC Transit Policy Instruction Number 4.23.2, Section IV(A)(9).
4. The Trackworker/Chauffeur used NYC Transit sick leave to work for Freight Company 1, in violation of NYC Transit Rules 5(a), 8(a), and 10(a) and NYC Transit Policy Instruction Number 4.23.2, Section IV(A)(9).

## **V. RECOMMENDATION**

We recommend that NYC Transit impose discipline on the Trackworker/Chauffeur as it deems appropriate, up to and including termination.

As always, we appreciate your continued courtesy and cooperation. Please advise our office within thirty (30) days of any action you take pursuant to this letter. Please be further advised that the Office of the MTA Inspector General may publicly disclose this report consistent with its statute and other state law, which may include name(s) of individuals and entities. Should you have any questions, or need additional information, please contact William McGrogan, Executive Deputy Inspector General, Investigations, at (212) 878-0143.

Very truly yours,

/S/

Elizabeth Keating

cc: David Farber, General Counsel, NYC Transit  
Monica Murray, Chief Administrative Officer, NYC Transit

## Exhibit A

| Violation of Rest Requirement | Date           | 16hr period prior to NYCT Clock In |             |                         |             |               |
|-------------------------------|----------------|------------------------------------|-------------|-------------------------|-------------|---------------|
|                               |                | NYCT Clock Out (prior shift)       | REST (h:mm) | Freight Company 1 Shift | REST (h:mm) | NYCT Clock In |
| 1                             | Mon 12/30/2019 | 6:01AM                             | 2:02        | 8:03AM-6:38PM           | 3:17        | 9:55PM        |
| 2                             | Tue 01/14/2020 | 6:02AM                             | 1:52        | 7:54AM-6:07PM           | 0:56        | 7:03PM        |
| 3                             | Wed 01/15/2020 | 6:09AM                             | 2:39        | 8:48AM-6:19PM           | 0:51        | 7:10PM        |
| 4                             | Mon 01/20/2020 | 10:00AM*                           | 0:00        | 7:52AM-6:00PM           | 3:31        | 9:31PM        |
| 5                             | Tue 01/28/2020 | did not work                       | -           | 7:53AM-6:56PM           | 3:12        | 10:08PM       |
| 6                             | Wed 01/29/2020 | 6:00AM                             | 1:52        | 7:52AM-5:18PM           | 4:49        | 10:07PM       |
| 7                             | Mon 02/03/2020 | Sick                               | -           | 7:52AM-6:54PM           | 2:14        | 9:08PM        |
| 8                             | Tue 02/04/2020 | 5:59AM                             | 1:55        | 7:54AM-6:29PM           | 3:39        | 10:08PM       |
| 9                             | Wed 02/05/2020 | 6:00AM                             | 1:52        | 7:52AM-5:44PM           | 0:51        | 6:35PM        |
| 10                            | Thu 02/06/2020 | 6:00AM*                            | 1:53        | 7:53AM-6:36PM           | 2:58        | 9:34PM        |
| 11                            | Mon 03/02/2020 | did not work                       | -           | 8:03AM-5:52PM           | 3:57        | 9:49PM        |
| 12                            | Tue 03/03/2020 | 6:02AM                             | 1:57        | 7:59AM-6:09PM           | 4:04        | 10:13PM       |
| 13                            | Wed 03/04/2020 | 6:23AM                             | 1:34        | 7:57AM-6:53PM           | 3:01        | 9:54PM        |
| 14                            | Thu 03/12/2020 | did not work                       | -           | 8:00AM-6:58PM           | 3:01        | 9:59PM        |
| 15                            | Fri 03/13/2020 | 6:04AM                             | 1:56        | 8:00AM-6:39PM           | 3:16        | 9:55PM        |
| 16                            | Mon 05/11/2020 | 6:08AM                             | 1:45        | 7:53AM-6:10PM           | 3:39        | 9:49PM        |
| 17                            | Wed 05/27/2020 | 6:00AM*                            | 1:57        | 7:57AM-5:41PM           | 4:14        | 9:55PM        |
| 18                            | Mon 06/15/2020 | 5:59AM                             | 1:57        | 7:56AM-4:51PM           | 5:12        | 10:03PM       |
| 19                            | Tue 06/16/2020 | 5:57AM                             | 1:59        | 7:56AM-4:40PM           | 5:20        | 10:00PM*      |
| 20                            | Mon 06/22/2020 | 6:01AM                             | 1:55        | 7:56AM-4:36PM           | 5:54        | 10:30PM*      |
| 21                            | Tue 06/23/2020 | 6:00AM*                            | 1:55        | 7:55AM-6:07PM           | 3:50        | 9:57PM        |
| 22                            | Wed 06/24/2020 | 6:05AM                             | 1:50        | 7:55AM-6:36PM           | 3:29        | 10:05PM       |
| 23                            | Mon 07/20/2020 | did not work                       | -           | 7:57AM-6:32PM           | 3:34        | 10:06PM       |
| 24                            | Tue 07/21/2020 | 5:53AM                             | 2:00        | 7:53AM-5:47PM           | 2:46        | 8:33PM        |
| 25                            | Thu 07/23/2020 | 6:08AM                             | 1:47        | 7:55AM-6:48PM           | 3:19        | 10:07PM       |
| 26                            | Fri 07/24/2020 | 6:22AM                             | 1:35        | 7:57AM-6:58PM           | 3:05        | 10:03PM       |
| 27                            | Tue 07/28/2020 | 6:27AM                             | 1:29        | 7:56AM-6:47PM           | 3:19        | 10:06PM       |
| 28                            | Wed 07/29/2020 | 6:14AM                             | 1:42        | 7:56AM-7:43PM           | 2:29        | 10:12PM       |
| 29                            | Thu 07/30/2020 | 6:22AM                             | 2:35        | 7:57AM-5:44PM           | 4:24        | 10:08PM       |
| 30                            | Fri 07/31/2020 | 6:18AM                             | 1:43        | 8:01AM-6:12PM           | 3:47        | 9:59PM        |
| 31                            | Mon 08/10/2020 | Sick                               | -           | 7:57AM-5:34PM           | 4:32        | 10:06PM       |
| 32                            | Tue 08/11/2020 | 5:57AM                             | 1:55        | 7:52AM-6:13PM           | 0:55        | 7:08PM        |
| 33                            | Wed 08/12/2020 | 6:14AM                             | 1:46        | 8:00AM-5:15PM           | 1:10        | 6:25PM        |
| 34                            | Thu 08/13/2020 | 6:42AM                             | 1:11        | 7:53AM-6:17PM           | 0:50        | 7:07PM        |
| 35                            | Fri 08/14/2020 | 5:57AM                             | 2:14        | 8:11AM-4:26PM           | 5:31        | 9:57PM        |

| Violation of Rest Requirement | Date           | 16hr period prior to NYCT Clock In |             |                         |             |               |
|-------------------------------|----------------|------------------------------------|-------------|-------------------------|-------------|---------------|
|                               |                | NYCT Clock Out (prior shift)       | REST (h:mm) | Freight Company 1 Shift | REST (h:mm) | NYCT Clock In |
| 36                            | Tue 08/18/2020 | 6:01AM                             | 1:52        | 7:53AM-6:23PM           | 0:49        | 7:12PM        |
| 37                            | Wed 08/19/2020 | 6:46AM                             | 1:11        | 7:57AM-4:56PM           | 2:08        | 7:04PM        |
| 38                            | Thu 08/20/2020 | 6:05AM                             | 1:49        | 7:54AM-6:34PM           | 1:15        | 7:49PM        |
| 39                            | Fri 08/21/2020 | 6:19AM                             | 1:40        | 7:59AM-2:57PM           | 7:04        | 10:01PM       |
| 40                            | Mon 08/24/2020 | 6:16AM                             | 1:41        | 7:57AM-5:48PM           | 0:53        | 6:41PM        |
| 41                            | Tue 08/25/2020 | 6:33AM                             | 1:26        | 7:59AM-5:18PM           | 1:36        | 6:54PM        |
| 42                            | Wed 08/26/2020 | 6:05AM                             | 1:50        | 7:55AM-4:52PM           | 2:11        | 7:03PM        |
| 43                            | Thu 08/27/2020 | 6:11AM                             | 1:41        | 7:52AM-5:26PM           | 1:40        | 7:06PM        |
| 44                            | Mon 09/28/2020 | 6:00AM*                            | 2:38        | 8:38AM-7:04PM           | 2:57        | 10:01PM       |
| 45                            | Tue 09/29/2020 | 6:10AM                             | 1:47        | 7:57AM-6:31PM           | 3:28        | 9:59PM        |
| 46                            | Tue 10/13/2020 | 6:01AM                             | 2:04        | 8:05AM-4:40PM           | 1:17        | 5:57PM        |
| 47                            | Wed 10/14/2020 | 7:08AM                             | 0:53        | 8:01AM-4:39PM           | 2:09        | 6:48PM        |
| 48                            | Tue 10/20/2020 | did not work                       | -           | 7:53AM-6:15PM           | 3:45        | 10:00PM*      |
| 49                            | Wed 10/21/2020 | 6:00AM*                            | 2:00        | 8:00AM-6:31PM           | 3:35        | 10:06PM       |
| 50                            | Thu 10/22/2020 | 6:00AM                             | 2:05        | 8:05AM-6:30PM           | 3:28        | 9:58PM        |
| 51                            | Tue 10/27/2020 | 5:59AM                             | 1:56        | 7:55AM-6:02PM           | 3:58        | 10:00PM       |
| 52                            | Wed 10/28/2020 | 6:01AM                             | 1:55        | 7:56AM-6:47PM           | 2:49        | 9:36PM        |
| 53                            | Wed 11/04/2020 | 6:02AM                             | 1:57        | 7:59AM-5:00PM           | 1:40        | 6:40PM        |
| 54                            | Tue 11/17/2020 | 6:15AM                             | 1:39        | 7:54AM-6:15PM           | 0:55        | 7:10PM        |
| 55                            | Wed 11/18/2020 | 6:06AM                             | 1:50        | 7:56AM-4:38PM           | 2:22        | 7:00PM        |
| 56                            | Thu 11/19/2020 | 6:00AM*                            | 1:57        | 7:57AM-6:43PM           | 0:47        | 7:30PM        |
| 57                            | Fri 11/20/2020 | 6:04AM                             | 1:50        | 7:54AM-4:30PM           | 4:41        | 9:11PM        |
| 58                            | Mon 12/07/2020 | Sick                               | -           | 8:01AM-7:16PM           | 2:41        | 9:57PM        |
| 59                            | Tue 12/08/2020 | 7:10AM                             | 0:48        | 7:58AM-4:56PM           | 5:12        | 10:08PM       |
| 60                            | Wed 12/09/2020 | 6:08AM                             | 1:45        | 7:53AM-6:39PM           | 3:29        | 10:08PM       |
| 61                            | Tue 12/15/2020 | 6:12AM                             | 1:49        | 8:01AM-6:34PM           | 3:23        | 9:57PM        |
| 62                            | Wed 12/16/2020 | 9:00AM*                            | 0:00        | 8:53AM-6:15PM           | 2:01        | 8:16PM        |
| 63                            | Mon 12/21/2020 | Sick                               | -           | 8:02AM-7:01PM           | 2:53        | 9:54PM        |
| 64                            | Tue 12/22/2020 | 5:57AM                             | 2:03        | 8:00AM-6:57PM           | 2:58        | 9:55PM        |
| 65                            | Mon 12/28/2020 | did not work                       | -           | 7:57AM-6:45PM           | 3:06        | 9:51PM        |
| 66                            | Tue 12/29/2020 | 6:08AM                             | 1:50        | 7:58AM-7:09PM           | 1:49        | 8:58PM        |
| 67                            | Wed 12/30/2020 | 5:58AM                             | 1:59        | 7:57AM-7:00PM           | 3:00        | 10:00PM       |
| 68                            | Wed 01/06/2021 | did not work                       | -           | 7:58AM-6:39PM           | 2:01        | 8:40PM        |
| 69                            | Thu 01/07/2021 | 7:16AM                             | 0:41        | 7:57AM-7:00PM           | 1:54        | 8:54PM        |
| 70                            | Tue 01/19/2021 | 6:01AM                             | 2:11        | 8:12AM-4:57PM           | 2:51        | 7:48PM        |

| Violation of Rest Requirement | Date           | 16hr period prior to NYCT Clock In |             |                         |             |               |
|-------------------------------|----------------|------------------------------------|-------------|-------------------------|-------------|---------------|
|                               |                | NYCT Clock Out (prior shift)       | REST (h:mm) | Freight Company 1 Shift | REST (h:mm) | NYCT Clock In |
| 71                            | Mon 02/15/2021 | 6:38AM                             | 1:20        | 7:58AM-6:24PM           | 3:30        | 9:54PM        |
| 72                            | Tue 02/16/2021 | 6:13AM                             | 1:45        | 7:58AM-4:49PM           | 3:42        | 8:31PM        |
| 73                            | Wed 02/17/2021 | 6:18AM                             | 1:56        | 8:14AM-7:05PM           | 0:47        | 7:52PM        |
| 74                            | Tue 02/23/2021 | 5:55AM                             | 2:05        | 8:00AM-7:21PM           | 2:23        | 9:44PM        |
| 75                            | Wed 02/24/2021 | 5:58AM                             | 1:59        | 7:57AM-7:22PM           | 2:05        | 9:27PM        |
| 76                            | Wed 03/10/2021 | 6:11AM                             | 1:49        | 8:00AM-6:00PM           | 2:10        | 8:10PM        |
| 77                            | Thu 03/11/2021 | 6:11AM                             | 1:49        | 8:00AM-6:54PM           | 1:00        | 7:54PM        |
| 78                            | Tue 03/16/2021 | 6:01AM                             | 1:58        | 7:59AM-6:35PM           | 1:18        | 7:53PM        |
| 79                            | Wed 03/17/2021 | 6:00AM*                            | 2:01        | 8:01AM-5:16PM           | 2:44        | 8:00PM        |
| 80                            | Mon 03/22/2021 | Sick                               | -           | 8:06AM-7:53PM           | 2:05        | 9:58PM        |
| 81                            | Tue 03/23/2021 | 6:00AM                             | 1:55        | 7:55AM-2:30PM           | 5:36        | 8:06PM        |
| 82                            | Wed 03/24/2021 | 6:47AM                             | 1:13        | 8:00AM-6:00PM           | 1:39        | 7:39PM        |
| 83                            | Thu 03/25/2021 | 10:00AM*                           | 0:00        | 9:53AM-5:57PM           | 1:55        | 7:52PM        |
| 84                            | Mon 03/29/2021 | Sick                               | -           | 7:57AM-7:32PM           | 2:16        | 9:48PM        |
| 85                            | Tue 03/30/2021 | 5:58AM                             | 2:02        | 8:00AM-5:17PM           | 4:41        | 9:58PM        |
| 86                            | Wed 03/31/2021 | 6:00AM*                            | 1:58        | 7:58AM-6:40PM           | 3:10        | 9:50PM        |
| 87                            | Mon 04/19/2021 | 10:00AM*                           | 0:00        | 9:38AM-5:30PM           | 2:17        | 7:47PM        |
| 88                            | Tue 04/20/2021 | 6:00AM*                            | 1:57        | 7:57AM-5:16PM           | 2:42        | 7:58PM        |
| 89                            | Wed 04/21/2021 | 5:57AM                             | 1:57        | 7:54AM-5:18PM           | 2:31        | 7:49PM        |
| 90                            | Thu 04/22/2021 | 11:00AM*                           | 0:16        | 11:16AM-6:13PM          | 1:03        | 7:16PM        |
| 91                            | Mon 04/26/2021 | 5:59AM                             | 1:58        | 7:57AM-5:08PM           | 2:54        | 8:02PM        |
| 92                            | Tue 04/27/2021 | 5:58AM                             | 2:03        | 8:01AM-7:08PM           | 0:39        | 7:47PM        |
| 93                            | Wed 04/28/2021 | 5:56AM                             | 2:01        | 7:57AM-6:45PM           | 1:00        | 7:45PM        |
| 94                            | Thu 04/29/2021 | 7:08AM                             | 0:50        | 7:58AM-6:55PM           | 0:59        | 7:54PM        |
| 95                            | Tue 05/11/2021 | 5:57AM                             | 2:00        | 7:57AM-6:35PM           | 3:35        | 10:10PM       |
| 96                            | Wed 05/12/2021 | 5:55AM                             | 2:03        | 7:58AM-6:52PM           | 3:07        | 9:59PM        |
| 97                            | Mon 05/17/2021 | 6:00AM                             | 5:05        | 11:05AM-5:09PM          | 3:01        | 8:10PM        |
| 98                            | Tue 05/18/2021 | 5:56AM                             | 2:03        | 7:59AM-6:29PM           | 1:30        | 7:59PM        |
| 99                            | Mon 05/24/2021 | 10:02AM                            | 0:51        | 10:53AM-6:07PM          | 4:04        | 10:11PM       |
| 100                           | Wed 06/09/2021 | 5:59AM                             | 2:03        | 8:02AM-7:11PM           | 0:55        | 8:06PM        |
| 101                           | Thu 06/10/2021 | 6:03AM                             | 2:06        | 8:09AM-6:53PM           | 1:47        | 8:40PM        |
| 102                           | Tue 06/22/2021 | 6:10AM                             | 1:49        | 7:59AM-7:10PM           | 2:48        | 9:58PM        |
| 103                           | Wed 06/23/2021 | 6:35AM                             | 1:23        | 7:58AM-8:09PM           | 1:51        | 10:00PM*      |
| 104                           | Tue 06/29/2021 | 6:17AM                             | 1:45        | 8:02AM-8:03PM           | 2:05        | 10:08PM       |
| 105                           | Mon 08/09/2021 | did not work                       | -           | 8:20AM-6:16PM           | 3:33        | 9:49PM        |

| Violation of Rest Requirement | Date           | 16hr period prior to NYCT Clock In |             |                         |             |               |
|-------------------------------|----------------|------------------------------------|-------------|-------------------------|-------------|---------------|
|                               |                | NYCT Clock Out (prior shift)       | REST (h:mm) | Freight Company 1 Shift | REST (h:mm) | NYCT Clock In |
| 106                           | Tue 08/10/2021 | 6:05AM                             | 0:59        | 7:04AM-6:29PM           | 3:20        | 9:49PM        |
| 107                           | Thu 08/12/2021 | 6:20AM                             | 1:45        | 8:05AM-5:34PM           | 4:18        | 9:52PM        |
| 108                           | Tue 08/17/2021 | Sick                               | -           | 7:00AM-6:05PM           | 3:55        | 10:00PM       |
| 109                           | Wed 08/18/2021 | 6:00AM*                            | 1:57        | 7:57AM-5:15PM           | 4:50        | 10:05PM       |
| 110                           | Mon 09/13/2021 | 6:37AM                             | 1:35        | 8:12AM-5:23PM           | 4:36        | 9:59PM        |
| 111                           | Tue 09/14/2021 | 6:00AM                             | 0:58        | 6:58AM-6:07PM           | 4:01        | 10:08PM       |
| 112                           | Wed 09/15/2021 | 6:24AM                             | 0:42        | 7:06AM-5:55PM           | 4:06        | 10:01PM       |
| 113                           | Mon 09/27/2021 | Sick                               | -           | 8:03AM-6:35PM           | 3:16        | 9:51PM        |
| 114                           | Tue 09/28/2021 | 6:02AM                             | 1:59        | 8:01AM-5:48PM           | 4:10        | 9:58PM        |
| 115                           | Mon 10/04/2021 | 9:03AM                             | 1:02        | 10:05AM-6:04PM          | 0:52        | 6:56PM        |
| 116                           | Tue 10/05/2021 | 6:11AM                             | 1:48        | 7:59AM-3:23PM           | 0:56        | 4:19PM        |
| 117                           | Wed 10/06/2021 | 6:16AM                             | 1:43        | 7:59AM-6:06PM           | 0:58        | 7:04PM        |
| 118                           | Thu 10/07/2021 | 5:56AM                             | 2:12        | 8:08AM-6:00PM           | 2:05        | 8:05PM        |
| 119                           | Tue 10/19/2021 | 6:00AM                             | 1:55        | 7:55AM-7:00PM           | 1:00        | 8:00PM        |
| 120                           | Wed 10/20/2021 | 6:00AM                             | 2:00        | 8:00AM-7:24PM           | 0:45        | 8:09PM        |
| 121                           | Thu 10/21/2021 | 7:00AM                             | 1:30        | 8:30AM-7:02PM           | 0:55        | 7:57PM        |
| 122                           | Mon 10/25/2021 | 6:00AM*                            | 2:00        | 8:00AM-7:25PM           | 0:43        | 8:08PM        |
| 123                           | Wed 10/27/2021 | 6:35AM                             | 1:23        | 7:58AM-7:14PM           | 0:51        | 8:05PM        |
| 124                           | Mon 11/01/2021 | 10:00AM*                           | 0:00        | 8:40AM-6:17PM           | 3:52        | 10:09PM       |
| 125                           | Tue 11/02/2021 | 5:58AM                             | 2:03        | 8:01AM-7:00PM           | 0:54        | 7:54PM        |
| 126                           | Mon 11/08/2021 | 6:05AM                             | 1:54        | 7:59AM-6:40PM           | 3:24        | 10:04PM       |
| 127                           | Tue 11/09/2021 | 10:00AM*                           | 0:00        | 7:58AM-3:02PM           | 6:56        | 9:58PM        |
| 128                           | Wed 11/10/2021 | 11:00AM*                           | 0:00        | 7:48AM-5:12PM           | 4:36        | 9:48PM        |
| 129                           | Tue 11/16/2021 | did not work                       | -           | 8:00AM-8:05PM           | 0:44        | 8:49PM        |
| 130                           | Wed 11/17/2021 | 6:07AM                             | 1:50        | 7:57AM-7:00PM           | 2:52        | 9:52PM        |
| 131                           | Tue 11/23/2021 | 5:53AM                             | 2:06        | 7:59AM-8:04PM           | 1:46        | 9:50PM        |
| 132                           | Wed 11/24/2021 | 6:00AM*                            | 2:00        | 8:00AM-7:00PM           | 1:00        | 8:00PM*       |
| 133                           | Mon 11/29/2021 | 6:00AM                             | 1:59        | 7:59AM-7:07PM           | 1:45        | 8:52PM        |
| 134                           | Tue 11/30/2021 | 6:10AM                             | 1:52        | 8:02AM-6:18PM           | 1:10        | 7:28PM        |
| 135                           | Wed 12/01/2021 | 6:00AM                             | 2:01        | 8:01AM-6:29PM           | 3:32        | 10:01PM       |
| 136                           | Mon 12/06/2021 | 6:00AM*                            | 2:00        | 8:00AM-8:23AM           | 1:39        | 10:02PM       |
| 137                           | Mon 01/03/2022 | 6:19AM                             | 1:40        | 7:59AM-6:01PM           | 2:03        | 8:04PM        |
| 138                           | Wed 01/05/2022 | 6:01AM                             | 1:57        | 7:58AM-7:20PM           | 2:40        | 10:00PM*      |
| 139                           | Mon 01/10/2022 | 6:27AM                             | 1:25        | 7:52AM-6:31PM           | 0:54        | 7:25PM        |
| 140                           | Tue 01/11/2022 | 5:57AM                             | 1:03        | 7:00AM-6:20PM           | 1:45        | 8:05PM        |

|                               |                | 16hr period prior to NYCT Clock In |             |                         |             |               |
|-------------------------------|----------------|------------------------------------|-------------|-------------------------|-------------|---------------|
| Violation of Rest Requirement | Date           | NYCT Clock Out (prior shift)       | REST (h:mm) | Freight Company 1 Shift | REST (h:mm) | NYCT Clock In |
| 141                           | Wed 01/12/2022 | 6:00AM*                            | 1:09        | 7:09AM-6:38PM           | 1:20        | 7:58PM        |
| 142                           | Thu 01/13/2022 | 5:57AM                             | 1:07        | 7:04AM-6:54PM           | 1:03        | 7:57PM        |
| 143                           | Mon 02/07/2022 | did not work                       | -           | 7:54AM-6:27PM           | 1:37        | 8:04PM        |
| 144                           | Tue 02/08/2022 | 6:00AM*                            | 2:00        | 8:00AM-5:19PM           | 2:47        | 8:06PM        |
| 145                           | Wed 02/09/2022 | 6:09AM                             | 1:49        | 7:58AM-4:36PM           | 3:32        | 8:08PM        |
| 146                           | Thu 02/10/2022 | 6:09AM                             | 1:49        | 7:58AM-6:47PM           | 1:21        | 8:08PM        |
| 147                           | Tue 02/15/2022 | did not work                       | -           | 8:00AM-3:29PM           | 4:28        | 7:57PM        |
| 148                           | Wed 02/16/2022 | 6:14AM                             | 1:44        | 7:58AM-5:53PM           | 2:19        | 8:12PM        |
| 149                           | Thu 02/17/2022 | 6:00AM*                            | 2:05        | 8:05AM-4:53PM           | 3:14        | 8:07PM        |
| 150                           | Fri 02/18/2022 | 6:05AM                             | 1:54        | 7:59AM-4:47PM           | 5:17        | 10:04PM       |
| 151                           | Mon 02/28/2022 | did not work                       | -           | 8:02AM-6:04PM           | 0:50        | 6:54PM        |
| 152                           | Tue 03/01/2022 | 6:19AM                             | 1:40        | 7:59AM-6:42PM           | 1:00        | 7:42PM        |
| 153                           | Wed 03/02/2022 | 6:18AM                             | 1:41        | 7:59AM-3:02PM           | 4:44        | 7:46PM        |
| 154                           | Thu 03/03/2022 | 6:12AM                             | 1:48        | 8:00AM-6:02PM           | 2:27        | 8:29PM        |
| 155                           | Tue 03/08/2022 | 6:12AM                             | 1:56        | 8:08AM-5:33PM           | 2:44        | 8:17PM        |
| 156                           | Wed 03/09/2022 | worked; no time data recorded      | -           | 7:57AM-6:37PM           | 3:23        | 10:00PM       |

Total: 156

\*No clock in/out time recorded; time recorded via handwritten time sheet

**Exhibit B****Overlapping Hours: NYCT and Freight Company 1**

| <b>Instances of Overlap</b> | <b>NYCT Shift Date</b>           | <b>NYCT Shift Start Time-End Time</b> | <b>Freight Company 1 Date Shift Start Time</b> | <b>Approximate Overlap Time (HH:MM)</b> |
|-----------------------------|----------------------------------|---------------------------------------|--|---|
| 1                           | Sun 1/19/2020 – Mon 1/20/2020    | 10:00PM - 10:00AM                     | Mon 1/20/2020 7:52AM                           | 2:08                                    |
| 2                           | Tues 12/15/2020 – Wed 12/16/2020 | 10:00PM - 9:00AM                      | Wed 12/16/2020 8:53AM                          | 0:07                                    |
| 3                           | Wed 3/24/2021 – Thu 3/25/2021    | 8:00PM - 10:00AM                      | Thu 03/25/2021 9:53AM                          | 0:07                                    |
| 4                           | Sun 4/18/2021 – Mon 4/19/2021    | 10:00PM - 10:00AM                     | Mon 04/19/2021 9:38AM                          | 0:22                                    |
| 5                           | Sun 10/31/2021 – Mon 11/1/2021   | 10:00PM - 10:00AM                     | Mon 11/01/2021 8:40AM                          | 1:20                                    |
| 6                           | Mon 11/08/2021 – Tues 11/09/2021 | 10:00PM - 10:00AM                     | Tue 11/09/2021 7:58AM                          | 2:02                                    |
| 7                           | Tues 11/09/2021 – Wed 11/10/2021 | 10:00PM - 11:00AM                     | Wed 11/10/2021 7:48AM                          | 3:12                                    |

**Exhibit C**

| NYC Transit Records            |                |              |           |
|--------------------------------|----------------|--------------|-----------|
| Freight Company 1 Records      |                |              |           |
| Violation of Sick Leave Policy | Date           | Clock In     | Clock Out |
| 1                              | Mon 02/03/2020 | Sick W/O Pay |           |
|                                | Mon 02/03/2020 | 7:52 AM      | 6:54 PM   |
| 2                              | Wed 02/12/2020 | Sick W/O Pay |           |
|                                | Wed 02/12/2020 | 7:55 AM      | 7:33 PM   |
| 3                              | Mon 03/09/2020 | Sick Usage   |           |
|                                | Mon 03/09/2020 | 8:07 AM      | 5:45 PM   |
| 4                              | Wed 07/01/2020 | Sick W/O Pay |           |
|                                | Wed 07/01/2020 | 7:56 AM      | 6:04 PM   |
| 5                              | Mon 08/10/2020 | Sick W/O Pay |           |
|                                | Mon 08/10/2020 | 7:57 AM      | 5:34 PM   |
| 6                              | Mon 12/07/2020 | Sick W/O Pay |           |
|                                | Mon 12/07/2020 | 8:01 AM      | 7:16 PM   |
| 7                              | Mon 12/21/2020 | Sick Usage   |           |
|                                | Mon 12/21/2020 | 8:02 AM      | 7:01 PM   |
| 8                              | Wed 02/03/2021 | Sick Usage   |           |
|                                | Wed 02/03/2021 | 8:22 AM      | 8:00 PM   |
| 9                              | Thu 02/04/2021 | Sick Usage   |           |
|                                | Thu 02/04/2021 | 9:06 AM      | 6:11 PM   |
| 10                             | Tue 02/09/2021 | Sick Usage   |           |
|                                | Tue 02/09/2021 | 8:10 AM      | 7:00 PM   |
| 11                             | Wed 02/10/2021 | Sick Usage   |           |
|                                | Wed 02/10/2021 | 7:58 AM      | 7:36 PM   |
| 12                             | Thu 02/11/2021 | Sick Usage   |           |
|                                | Thu 02/11/2021 | 8:00 AM      | 7:48 PM   |
| 13                             | Mon 03/22/2021 | Sick W/O Pay |           |
|                                | Mon 03/22/2021 | 8:06 AM      | 7:53 PM   |
| 14                             | Mon 03/29/2021 | Sick Usage   |           |
|                                | Mon 03/29/2021 | 7:57 AM      | 7:32 PM   |
| 15                             | Tue 05/04/2021 | Sick W/O Pay |           |
|                                | Tue 05/04/2021 | 8:03 AM      | 6:25 PM   |

| Violation of Sick Leave Policy | Date           | Clock In     | Clock Out |
|--------------------------------|----------------|--------------|-----------|
| 16                             | Thu 05/06/2021 | Sick Usage   |           |
|                                | Thu 05/06/2021 | 8:02 AM      | 5:31 PM   |
| 17                             | Wed 05/26/2021 | Sick W/O Pay |           |
|                                | Wed 05/26/2021 | 8:18 AM      | 5:22 PM   |
| 18                             | Thu 05/27/2021 | Sick Usage   |           |
|                                | Thu 05/27/2021 | 8:15 AM      | 5:11 PM   |
| 19                             | Wed 06/02/2021 | Sick Usage   |           |
|                                | Wed 06/02/2021 | 8:06 AM      | 6:34 PM   |
| 20                             | Thu 06/03/2021 | Sick Usage   |           |
|                                | Thu 06/03/2021 | 8:01 AM      | 6:27 PM   |
| 21                             | Wed 07/07/2021 | Sick W/O Pay |           |
|                                | Wed 07/07/2021 | 8:04 AM      | 7:30 PM   |
| 22                             | Mon 07/19/2021 | Sick W/O Pay |           |
|                                | Mon 07/19/2021 | 8:09 AM      | 5:18 PM   |
| 23                             | Tue 07/20/2021 | Sick Usage   |           |
|                                | Tue 07/20/2021 | 8:02 AM      | 6:52 PM   |
| 24                             | Mon 08/16/2021 | Sick W/O Pay |           |
|                                | Mon 08/16/2021 | 2:00 PM      | 7:30 PM   |
| 25                             | Tue 08/17/2021 | Sick W/O Pay |           |
|                                | Tue 08/17/2021 | 7:00 AM      | 6:05 PM   |
| 26                             | Tue 08/24/2021 | Sick W/O Pay |           |
|                                | Tue 08/24/2021 | 8:15 AM      | 5:48 PM   |
| 27                             | Thu 08/26/2021 | Sick Usage   |           |
|                                | Thu 08/26/2021 | 8:00 AM      | 5:30 PM   |
| 28                             | Mon 09/27/2021 | Sick W/O Pay |           |
|                                | Mon 09/27/2021 | 8:03 AM      | 6:35 PM   |
| 29                             | Tue 02/22/2022 | Sick W/O Pay |           |
|                                | Tue 02/22/2022 | 8:08 AM      | 6:44 PM   |
| 30                             | Wed 02/23/2022 | Sick Usage   |           |
|                                | Wed 02/23/2022 | 7:56 AM      | 7:01 PM   |

Total: 30



**Daniel G. Cort**  
**MTA Inspector General**

**Office of the Inspector General**  
**Metropolitan Transportation Authority**  
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**Addendum**  
**to**  
**MTA/OIG #2023-11**

**Unauthorized Dual Employment by NYC Transit Dual Rate**  
**Trackworker/Chauffeur**

In response to the Office of the MTA Inspector General's investigation report, in May 2023, New York City Transit (NYC Transit) brought disciplinary charges against the Trackworker/Chauffeur seeking dismissal and pre-disciplinarily suspended him pending final disposition.

The Trackworker/Chauffeur failed to appear for disciplinary hearings for the two Disciplinary Notifications, and as a result, NYC Transit implemented disciplinary charges and recommended dismissal. The Trackworker/Chauffeur was dismissed effective June 28, 2023.