



## **TIME ABUSE, FALSIFICATION OF TIMEKEEPING RECORDS, AND USE OF AN UNAUTHORIZED DUPLICATE CARD BY LIRR GANG FOREMAN**

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### **I. EXECUTIVE SUMMARY**

The Office of the MTA Inspector General (OIG) substantiated allegations that a Long Island Railroad (LIRR) Gang Foreman falsified his Kronos timekeeping records and committed time abuse at Ronkonkoma Yard (the Yard). After conducting surveillance and reviewing the Gang Foreman's Kronos timekeeping records and payroll records, OIG found that, between November 1, 2022 and January 24, 2023, the Gang Foreman had 14 dates of unauthorized absences from the worksite while on duty. Video surveillance reviewed by OIG showed that the Gang Foreman either arrived late to work, left early before his shift ended, or left for several hours during his shift while still on duty. Furthermore, on 9 of those 14 dates, OIG found fraudulent swipes of the Gang Foreman's LIRR identification and access card (LIRR card) at a Kronos clock either at the beginning or end of his shift at a time when video surveillance showed that the Gang Foreman had not yet arrived at the Yard or had already left the Yard. The Gang Foreman admitted to OIG that he obtained an unauthorized duplicate LIRR card and that his colleagues used one of his two cards to swipe him in and out when he was off property. As a result of his fraudulent conduct, the Gang Foreman received compensation for more than 49 regular and overtime hours to which he was not entitled.

OIG recommends that LIRR take whatever action it deems appropriate and recoup any payments for hours that the Gang Foreman was paid when he did not work. A copy of this report has also been provided to the New York State Commission on Ethics and Lobbying in Government for their review and any action they deem appropriate.

### **II. BACKGROUND**

The Gang Foreman was hired by LIRR as a Car Appearance Maintainer (CAM) in September 1994. In September 1999, he was promoted to a Road Car Inspector (RCI), and in April 2004, he was promoted to his current position as Gang Foreman. As a Gang Foreman, he is responsible for supervising, planning and assigning work tasks for certain employees: 1) RCIs, who are responsible for inspecting and repairing the train cars; 2) CAMs, who are responsible for cleaning and maintaining the train cars; and 3) Road Car Electricians (RCEs), who are

responsible for troubleshooting electrical repairs of train cars and repairing and testing the Automatic Train Control system. The Gang Foreman is also responsible for conducting job safety briefings and ensuring that safety standards are maintained, monitoring the work gangs' progress and completion of work assignments, maintaining and completing records for the inspection, cleaning, and repair of train cars, and maintaining time and attendance records of the employees that he supervises. Between November 1, 2022 and January 24, 2023, the Gang Foreman was assigned to the Yard for his regular tour. He worked regular and/or overtime tours at either 12:30 a.m. to 8:30 a.m., 8:30 a.m. to 4:30 p.m., or 4:30 p.m. to 12:30 a.m. at the Yard and at other MTA locations including Jamaica, Huntington, or Hillside Yards.

### **III. INVESTIGATION**

#### **A. Surveillance and Corroborating Records**

OIG observed the Gang Foreman driving his personal vehicles, which are registered under his name and were seen at his residence during various times. Between October 24, 2022 and February 2, 2023, OIG performed physical surveillance. OIG reviewed video surveillance from November 1, 2022 to January 24, 2023. The Yard has three access points: 1) a guard booth that requires LIRR card entry; 2) the east end service gate which also requires LIRR card entry; and 3) and a back gate on Railroad Avenue nearly intersecting with Knickerbocker Avenue (Knickerbocker back gate) that did not have a LIRR card entry device. Video surveillance enabled OIG to view the guard booth, east end service gate, and the area of the Yard providing a pathway leading to the Knickerbocker back gate.

OIG reviewed the Gang Foreman's Kronos timekeeping and payroll records from October 24, 2022 to January 24, 2023. All employees are issued only one LIRR card that provides official identification, access to certain MTA locations and entry points, and the ability to swipe at Kronos clocks. The only place to properly obtain a LIRR card is the LIRR pass office located at the Hillside facility. Employees are required to swipe their LIRR card at a Kronos clock, the MTA's timekeeping system, when arriving and departing. The LIRR cards have a magnetic strip that enables the Kronos system to record when it is swiped.

During this investigation, OIG learned that certain LIRR employees were using unauthorized duplicate LIRR cards, which is the subject of another ongoing inquiry. As discussed below, the Gang Foreman admitted that he obtained an unauthorized duplicate LIRR card, and that at his request, other employees used one of his cards to improperly swipe him in or out of Kronos when he was not at the Yard. The Kronos system cannot distinguish the actual LIRR card from the duplicate LIRR card when swiped.

As detailed in the chart below, OIG found a total of 14 dates of unauthorized absences by the Gang Foreman while he was on duty at the Yard; he was paid for the entirety of his shift on each of those dates despite not being present for the whole shift. Of those 14 dates, OIG found the following:

- Six dates – November 1, 3, 9, 10, 11; and December 14, 2022 – when the Gang Foreman arrived late to the Yard after his LIRR card had already been swiped in at a Kronos clock to fraudulently indicate that he was present;
- Six dates – November 16, 17; December 1, 2, 4, 2022; and January 24, 2023 – when the Gang Foreman left for hours during his shift while he was still on duty;
- On November 30, 2022, the Gang Foreman arrived late to the Yard after his LIRR card had already been swiped in at a Kronos clock and left for hours during his shift while he was still on duty; and
- On December 15, 2022, the Gang Foreman arrived late to the Yard after his LIRR card had already been swiped in at a Kronos clock, left the Yard for hours during his shift while still on duty, and left the Yard before his shift ended and his LIRR card was later swiped out at a Kronos clock to fraudulently indicate that he had worked his entire shift.

Of note, on one of the dates of OIG’s physical surveillance, OIG observed that the Gang Foreman was still at his residence while his LIRR card was swiped in at a Kronos clock. On Tuesday, November 1, 2022, the Gang Foreman was scheduled to work a 12:30 a.m. to 8:30 a.m. regular tour at the Yard and an 8:30 a.m. to 4:30 p.m. overtime tour at Hillside Yard. At 12:10 a.m., the Gang Foreman’s LIRR card was swiped in at a Kronos clock at the Yard to fraudulently indicate that he was physically present to start his shift. However, simultaneously, OIG investigators observed the Gang Foreman’s personal vehicle still present at his residence miles away from the Yard. At about 12:30 a.m., OIG investigators observed the Gang Foreman exit his residence and enter his personal vehicle. At about 12:35 a.m., the Gang Foreman departed and drove his personal vehicle away from his residence. OIG surveilled the Gang Foreman until he reached the Yard. At about 12:53 a.m., the Gang Foreman’s vehicle was observed entering the Yard at the guard booth after he had already been swiped in. At 12:53 a.m., an entry of the Gang Foreman’s LIRR card was registered at the guard booth. Video surveillance showed the Gang Foreman’s vehicle park in the employee lot at about 12:54 a.m. The Gang Foreman then exited his vehicle and walked in the direction of the employee building. At 12:55 a.m., an entry of the Gang Foreman’s LIRR card was registered at the employee building entrance.

The full details of all 14 dates of OIG’s observations of the Gang Foreman’s unauthorized absences and the corresponding records are attached in the Appendix. All 14 dates of surveillance are also summarized as follows:

Date	Kronos Swipe In	Time Arrived at Yard	Time Left Yard During Shift	Time Returned to Yard During Shift	Kronos Swipe Out	Unauthorized Time Away from Yard (hh:mm) <sup>1</sup>	Unearned Pay <sup>2</sup> (Reg hrly rate \$54.019) (OT hrly rate \$81.029)
11/01/2022	12:10 a.m.	12:52 a.m.	N/A	N/A	4:20 p.m.	:22	\$20.60
11/03/2022	12:11 a.m.	1:15 a.m.	N/A	N/A	4:20 p.m.	:45	\$42.12
11/09/2022	12:09 a.m.	3:50 a.m.	N/A	N/A	4:20 p.m.	3:20	\$181.20
11/10/2022	12:27 a.m.	1:06 a.m.	N/A	N/A	4:21 p.m.	:36	\$33.70
11/11/2022	12:22 a.m.	1:32 a.m.	N/A	N/A	11/12/2022 12:20 a.m.	1:02	\$58.03
11/16/2022	12:29 a.m.	12:27 a.m.	11:47 a.m.	2:31 p.m.	4:20 p.m.	2:44	\$147.65
11/17/2022	8:32 a.m.	8:30 a.m.	10:22 a.m.	12:02 p.m.	4:20 p.m.	1:40	\$90.03
11/30/2022	12:09 a.m.	1:37 a.m.	3:16 a.m.	12:27 p.m.	4:20 p.m.	10:18	\$741.12
12/01/2022	8:34 a.m.	8:33 a.m.	12:58 p.m.	Did Not Return	No Swipe <sup>3</sup>	3:32	\$190.87
12/02/2022	8:36 a.m.	8:35 a.m.	6:45 p.m.	11:58 p.m.	12/3/2022 12:22 a.m.	5:13	\$438.87
12/04/2022	8:36 a.m.	8:34 a.m.	12:35 p.m.  6:04 p.m.	4:54 p.m.  10:10 p.m.	12/5/2022 8:20 a.m.	8:25	\$599.23
12/14/2022	12:23 a.m.	12:57 a.m.	N/A	N/A	4:20 p.m.	:27	\$25.27
12/15/2022	12:20 a.m.	1:40 a.m.	3:25 a.m.	Did Not Return	8:20 a.m.	6:15	\$345.61
01/24/2023	12:40 a.m.	12:38 a.m.	9:31 a.m.	2:44 p.m.	4:20 p.m.	5:13	\$281.80
<b>TOTAL</b>						<b>49:52</b>	<b>\$3,196.10</b>

<sup>1</sup> The unauthorized time away was calculated only using the time that the Gang Foreman was not present during his assigned shift. On those occasions when the Gang Foreman was swiped in earlier than the time that his shift started, the unauthorized time away was calculated using the time at the beginning of his shift rather than the time of the Kronos swipe. For example, on November 1, 2022, the Gang Foreman was swiped in at 12:10 a.m. but his shift didn't start until 12:30 a.m., so the unauthorized time away was calculated from 12:30 a.m. to 12:52 a.m. instead of beginning at 12:10 a.m.

<sup>2</sup> Unearned pay includes any additional pay received for a shift differential and meal pay.

<sup>3</sup> On December 1, 2022, the Gang Foreman was scheduled to work an 8:30 a.m. to 4:30 p.m. regular tour at the Yard and a 4:30 p.m. to 12:30 a.m. overtime tour in Jamaica Yard. There was no Kronos swipe out at the end of the Gang Foreman's overtime tour in Jamaica, which ended on December 2, 2022, at 12:30 a.m. On December 2, 2022, at 8:58 a.m., the Gang Foreman manually edited his Kronos time to show his swipe out on December 2, 2022, at 12:30 a.m. The Gang Foreman added a comment to Kronos indicating that he missed his punch (swipe) and edited accordingly. The Gang Foreman was required to send an email to Central Manpower and his supervisor advising of the Kronos modification. According to the Deputy General Manager, no email was sent to Central Manpower as required.

## B. Summary of Interviews Conducted

OIG interviewed the Gang Foreman, a Master Mechanic who supervised the Gang Foreman, a Deputy General Manager - Fleet Operations, the former General Manager - Multiple Unit Fleet Operations, and a representative of the LIRR Controller's Office which handles payroll records.

### 1. *Time/Attendance Practices and Yard Operations*

On the 14 dates at issue, the Gang Foreman was assigned to work at the Yard for regular and/or overtime tours that each consisted of a full eight hours. He was required to be physically present at the Yard at the start of his shift with a permissible 6-minute grace period before being marked late. The General Manager told OIG that employees are also entitled to a 10-minute wash-up time at the end of their tour. For example, on an 8:30 a.m. to 4:30 p.m. shift, a 4:20 p.m. swipe out would be acceptable since the last 10 minutes of the shift are accounted for washing up.

The Gang Foreman confirmed that all employees are required to swipe in and out at a Kronos clock when they arrive and depart for the day. According to the General Manager, the Gang Foreman is required to be physically present to enter a swipe in at a Kronos clock at the beginning of his shift and a swipe out at a Kronos clock when he has completed the end of his last shift for the day at the Yard. Employees are not permitted to use Kronos to report another employee's time and are not permitted to swipe another employee in and out. The Gang Foreman stated that he verifies that the hours reported in Kronos for him are correct since he checks the system before the pay period ends. He may review Kronos three to four times a week to manually adjust his time to make sure the work locations are accurate and his time is calculated correctly. According to the LIRR Maintenance of Equipment Department – Kronos Time and Attendance Policy, any modifications to a gang foreman's natural punch (Kronos swipe) must be brought to the attention of their supervisor via email and copied to the Maintenance of Equipment Central Manpower<sup>4</sup> Outlook email address. The CAMs, RCIs and RCEs are also required to complete a sign-in sheet, but the gang foremen are not required to do so. One of the gang foremen will complete a manpower sheet that indicates the personnel working during the shift, including the names of the gang foremen. Central Manpower verifies a gang foreman's time based on the manpower sheets that are corroborated by Kronos.

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<sup>4</sup> Central Manpower is a centralized office that operates 24 hours a day and fulfills administrative functions related to time and attendance.

The Gang Foreman told OIG that gang foremen are allotted two 15-minute breaks and one 30-minute meal break throughout the day. The Gang Foreman stated that he takes his breaks based upon the workload and needs of the day as it can sometimes get very busy. There is no set schedule for when the 15-minute breaks must be taken. He claimed that the first 15-minute break can be taken right after clocking in and before assignment. The meal break is usually between the fourth and fifth hour of the shift. The Gang Foreman told OIG that all three breaks equating to one hour are not permitted to be taken at the same time. He admitted that he has taken a one-hour break on occasion.

When questioned if he is required to let someone know if he is leaving the Yard, the Gang Foreman denied such a requirement in 2022 and 2023. He said that sometime in approximately 2024, a new policy was instituted requiring all employees to indicate on an off-premise sheet when they were leaving the Yard. The Gang Foreman acknowledged that if he needed to leave early after he had already started his shift, he would have to notify the master mechanic or his general foreman and swipe out in Kronos before leaving.

According to the Gang Foreman, while he was at the Yard during 2022 and 2023, during the midnight shift, a total of four gang foremen were always scheduled to work. Although there were others that rotated for short periods or provided sporadic coverage as needed, he primarily worked with the same three gang foremen during that time. On the midnight shift, there would be 4 to 20 CAMs, 9 to 12 RCIs and one RCE requiring supervision. Each gang foreman usually supervised four employees and was responsible to “Plan, Lead and Direct.” After the daily briefing, assignments would be distributed, and work began. The gang foremen on the shift divide their supervising responsibilities by fleet cleaning gangs and mechanical gangs with two gang foremen assigned to each, but they work together to make sure all tasks are completed. When working the day tour, 8:30 a.m. to 4:30 p.m., there are usually two gang foremen, but only one can be assigned if there are staffing shortages. For the 4:30 p.m. to 12:30 a.m. shift, there is only one gang foreman scheduled.

The Gang Foreman told OIG that when he drove to work, he sometimes used the front gate with the guard booth or the Knickerbocker back gate. He confirmed that the vehicles that OIG identified were, in fact, his vehicles.

## *2. Use of Unauthorized Duplicate Card and Unauthorized Absences*

The Gang Foreman admitted to OIG that there were occasions when, without permission, he left the Yard for extended periods of time during his shift, came in late, and left early before his shift ended. At his interview, the Gang Foreman claimed that his absences from the property were due to his mental health issues, including panic attacks.<sup>5</sup> According to the Deputy General Manager, if the Gang Foreman was experiencing a panic attack or other mental health episode and needed to immediately leave the Yard, he could have contacted a manager and been authorized to leave. The Gang Foreman conceded that there is no written documentation indicating that he received such authorized leave. According to the General Manager, the Gang Foreman was not authorized to arrive late at the beginning of his shift, leave the Yard for hours during his shift while still on duty, or end his shift early on any of the 14 dates. A representative from LIRR Controller's Office confirmed that a review of the Gang Foreman's payroll records for the 14 dates at issue shows that he was paid in full for the entirety of his shifts on each of those dates. There was no vacation, sick time, FMLA, or other leave time taken by the Gang Foreman on any of the 14 dates.

The Gang Foreman admitted that if he was running late, he would have someone swipe him in. He initially claimed that he would call the gang foremen's office and whoever answered the phone would take his real LIRR card that he left on his desk with his keys and his bag and swipe him in. The Gang Foreman stated that he did not remember who he spoke to when he called into the gang foremen office. OIG staff then told the Gang Foreman that he had been observed in front of his home while already being swiped in at a Kronos clock and followed to the Yard where he used his LIRR card at the front gate to get in. There had to be a second card, or he wouldn't have been able to get in if his LIRR card was still on his desk. The Gang Foreman eventually admitted that he did, in fact, have an unauthorized duplicate card.

The Gang Foreman stated that he obtained the duplicate card from an LIRR employee while attending a retirement party for another MTA employee. The LIRR employee was "pushing out" unauthorized duplicate cards and offered one to the Gang Foreman free of charge in case he "needed it." He claimed that there were times that he had left his card at home, and he could keep the duplicate card in his bag in the event he forgot his authentic LIRR card at home. During the party, the Gang Foreman gave his authentic LIRR card to the LIRR employee and prior to leaving the party the employee returned his real LIRR card and a duplicate card. He would keep the duplicate card in the top drawer of his desk. The Gang Foreman admitted, "It wasn't the right thing to do."

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<sup>5</sup> OIG did not verify whether the Gang Foreman had any formal diagnosis, nor did it seek or review any medical records.



The Gang Foreman also admitted that one of the three gang foremen that he normally worked with would swipe him in and out. When asked how many times another gang foreman would swipe him in and out, he responded that it was about a dozen times. The Gang Foreman admitted that he left early about a half a dozen times, and when he did that the other gang foremen would swipe him out. The Gang Foreman admitted that he would also swipe the other three gang foremen in if they were late and swipe them out if they left early, purportedly with their real LIRR cards that they had left in the office.

The Gang Foreman admitted that he would also leave the yard for unauthorized extended periods of time during his regular and overtime shifts for as long as two hours or more if he was having a panic attack, and that this happened about a half dozen times. He denied that he was gone for as much as five hours or an entire shift because someone would have noticed.

#### **IV. POLICIES AND ANALYSIS**

##### **MTA All-Agency Code of Ethics**

###### **1. § 4.02 Public Trust**

The MTA All-Agency Code of Ethics, Section 4.02, Public Trust, 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.

###### **2. § 9.01 General**

The MTA All-Agency Code of Ethics, Section 9.01, states, in pertinent part, that employees who violate any provision of the State Ethics Laws or of this Code may be subject to disciplinary action consistent with that administered for violations of the rules and regulations of the applicable MTA Agency, up to and including termination.



## **LIRR Corporate Policy & Procedure**

### *1. LIRR Rule LEAVE-001: Attendance Policy for Represented Employees*

Rule LEAVE-001 states, in pertinent part, that employees are to report to work at the proper location, on time and in condition to perform his/her duties, and that employees are expected to remain on duty for the employee's full tour unless otherwise excused by proper authority.

### *2. Issue No. 2407R2 Absence Control Policy*

The LIRR Corporate Policy & Procedure Issue No. 2407 R2, Absence Control Policy, Sections II and III provides, in pertinent part, that it is the responsibility of each LIRR employee to report at the times, on the days and at the designated locations for which he/she is scheduled, and to remain on duty for the full workday. This is the most important basic obligation an individual assumes as a condition of employment with the LIRR. All employees are provided with adequate amounts of leave.

## **New York State Public Officers Law**

### *1. § 74(3)(d)*

Section 74(3)(d) states that “[n]o officer or employee of a state agency, member of the legislature or legislative employee should use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others, including but not limited to, the misappropriation to himself, herself or to others of the property, services or other resources of the state for private business or other compensated non-governmental purposes.”

### *2. § 74(3)(h)*

Section 74(3)(h) states that “[a]n 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.”

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Here, the Gang Foreman committed time abuse equating to over 49 hours of regular and overtime pay, thereby receiving over \$3,100 to which he was not entitled. On numerous occasions, he failed to report to work at the start of his shift, left during his shift while still on duty, and left before the end of his shift. Furthermore, he obtained an unauthorized duplicate LIRR card, and he had other LIRR employees use one of his two cards to enter Kronos swipes to fraudulently indicate that he was present for his whole shift even though he was not. As a supervisor, he violated the very policies that he was entrusted to uphold. His actions erode the public's confidence and trust in the MTA.

## V. FINDINGS

1. The Gang Foreman engaged in acts that violated the public trust in violation of MTA All-Agency Code of Ethics § 4.02.
2. The Gang Foreman repeatedly failed to report for duty as scheduled, left the worksite while on duty, and falsified Kronos timecard swipes in violation of LIRR Corporate Policy and Procedure LEAVE-001 and Issue No. 2407R2 Absence Control Policy.
3. The Gang Foreman violated New York State Public Officers Law Sections 74(3)(d) and 74(3)(h) by claiming to work and receiving payment for hours he did not work, as well as by engaging in a course of conduct which could raise suspicion among the public that he engaged in acts in violation of his trust.

## VI. RECOMMENDATIONS

We recommend that LIRR take whatever action it deems appropriate as to the Gang Foreman and that LIRR recoup any payments made for hours he did not work.

A copy of this report has also been provided to the New York State Commission on Ethics and Lobbying in Government for their review and any action they deem appropriate.

*Agency Response: Upon receipt of OIG Report 2024-13 in July 2024, LIRR removed the Gang Foreman from service without pay and served him with disciplinary charges. In September 2024, LIRR issued additional disciplinary charges against the Gang Foreman related to the conduct described in OIG Report 2024-14. Subsequently, effective October 21, 2024, the Gang Foreman resigned while disciplinary proceedings were still pending. LIRR is seeking to recoup \$3,196.10 compensation paid to the Gang Foreman for time he did not work, as detailed in OIG Report 2024-13.*

**APPENDIX**

## OIG's Surveillance Observations and Corresponding Records

**1. Tuesday, November 1, 2022**

- The Gang Foreman was scheduled to work a 12:30 a.m. to 8:30 a.m. regular tour at the Yard and an 8:30 a.m. to 4:30 p.m. overtime tour at Hillside Yard.
- At 12:10 a.m. the Gang Foreman's LIRR card was swiped in at a Kronos clock at the Yard to fraudulently indicate that he was physically present to start his shift. However, simultaneously, OIG investigators observed the Gang Foreman's personal vehicle still present at his residence miles away from the Yard.
- At about 12:30 a.m., OIG investigators observed the Gang Foreman exit his residence and enter his personal vehicle.
- At about 12:35 a.m., the Gang Foreman departed and drove his personal vehicle away from his residence. OIG surveilled the Gang Foreman until he reached the Yard.
- At about 12:53 a.m., the Gang Foreman's vehicle was observed entering the Yard at the guard booth after he had already been swiped in.
- At 12:53 a.m., an entry of the Gang Foreman's LIRR card was registered at the guard booth.
- At about 12:54 a.m., video surveillance showed the Gang Foreman's vehicle park in the employee lot. The Gang Foreman then exited his vehicle and walked in the direction of the employee building.
- At 12:55 a.m., an entry of the Gang Foreman's LIRR card was registered at the employee building entrance.

**2. Thursday, November 3, 2022**

- The Gang Foreman was scheduled to work a 12:30 a.m. to 8:30 a.m. regular tour at the Yard and an 8:30 a.m. to 4:30 overtime tour at Jamaica Yard.
- At 12:11 a.m., the Gang Foreman's LIRR card was swiped in at a Kronos clock to fraudulently indicate that he was physically present to start his shift.
- At about 1:15 a.m., the Gang Foreman's vehicle was first observed on video entering the Yard at the guard booth.
- At 1:15 a.m., an entry of the Gang Foreman's LIRR card was registered at the guard booth.

- At 1:17 a.m., an entry of the Gang Foreman's LIRR card was registered at the employee building entrance.
- At about 8:18 a.m., a male who appears to be the Gang Foreman was seen on video walking from the direction of the employee building, entering the Gang Foreman's vehicle that was observed earlier, and driving away.

### **3. Wednesday, November 9, 2022**

- The Gang Foreman was scheduled to work a 12:30 a.m. to 8:30 a.m. regular tour at the Yard and an 8:30 a.m. to 4:30 overtime tour at Jamaica Yard.
- At 12:09 a.m., the Gang Foreman's LIRR card was swiped in at a Kronos clock to fraudulently indicate that he was physically present to start his shift.
- At about 3:50 a.m., the Gang Foreman's vehicle was first observed on video entering the Yard at the guard booth.
- At 3:50 a.m., an entry of the Gang Foreman's LIRR card was registered at the guard booth.
- At 3:52 a.m., an entry of the Gang Foreman's LIRR card was registered at the employee building entrance.
- At about 8:13 a.m., a male who appears to be the Gang Foreman was seen on video walking from the direction of the employee building, entering the Gang Foreman's vehicle that was observed earlier, and driving away.

### **4. Thursday, November 10, 2022**

- The Gang Foreman was scheduled to work a 12:30 a.m. to 8:30 a.m. regular tour and an 8:30 a.m. to 4:30 overtime tour at the Yard.
- At 12:27 a.m., the Gang Foreman's LIRR card was swiped in at a Kronos clock to fraudulently indicate that he was physically present to start his shift.
- At about 1:06 a.m., the Gang Foreman's vehicle was first observed on video entering the Yard at the guard booth.
- At 1:06 a.m., an entry of the Gang Foreman's LIRR card was registered at the guard booth.
- At about 1:07 a.m., the Gang Foreman's vehicle was observed on video parking in the employee lot. A male who appears to be the Gang Foreman exited the vehicle and walked in the direction of the employee building.

**5. Friday, November 11, 2022**

- The Gang Foreman was scheduled to work a 12:30 a.m. to 8:30 a.m. regular tour at the Yard, an 8:30 a.m. to 4:30 overtime tour at Huntington Yard, and a second overtime tour from 4:30 p.m. to 12:30 a.m. at Jamaica Yard.
- At 12:22 a.m., the Gang Foreman's LIRR card was swiped in at a Kronos clock to fraudulently indicate that he was physically present to start his shift.
- At about 1:32 a.m., video surveillance showed that the Gang Foreman's vehicle was first observed entering the Yard on a path coming from the Knickerbocker back gate.
- At about 1:32 a.m., the Gang Foreman's vehicle was observed on video parking in the employee lot and a male who appears to be the Gang Foreman exited the vehicle and walked in the direction of the employee building.
- At 1:34 a.m., an entry of the Gang Foreman's LIRR card was registered at the employee building entrance.

**6. Wednesday, November 16, 2022**

- The Gang Foreman was scheduled to work a 12:30 a.m. to 8:30 a.m. overtime tour and an 8:30 a.m. to 4:30 regular tour at the Yard.
- At about 12:27 a.m., the Gang Foreman's vehicle was first observed on video surveillance entering the Yard at the guard booth.
- At 12:27 a.m., an entry of the Gang Foreman's LIRR card was registered at the guard booth.
- At about 12:28 a.m., the Gang Foreman's vehicle was observed on video parking in the employee lot and a male can be seen exiting the vehicle.
- At 12:29 a.m., the Gang Foreman's LIRR card was swiped in at a Kronos clock.
- At about 11:47 a.m., the Gang Foreman's vehicle was observed on video as it was leaving the Yard at the guard booth.
- At about 2:31 p.m., the Gang Foreman's vehicle was observed on video returning to the Yard at the guard booth.
- At 2:31 p.m., an entry of the Gang Foreman's LIRR card was registered at the guard booth.

**7. Thursday, November 17, 2022**

- The Gang Foreman was scheduled to work an 8:30 a.m. to 4:30 p.m. regular tour.
- At about 8:30 a.m., the Gang Foreman's vehicle was first observed on video surveillance entering the Yard on a path coming from the Knickerbocker back gate.

- At about 8:32 a.m., the Gang Foreman's vehicle was observed on video parking in the employee lot. A male who appears to be the Gang Foreman exited the vehicle and walked in the direction of the employee building.
- At 8:32 a.m., an entry of the Gang Foreman's LIRR card was registered at the employee building entrance.
- At 8:32 a.m., the Gang Foreman's LIRR card was swiped in at a Kronos clock.
- At about 10:21 a.m., during his shift, the same male who appears to be the Gang Foreman was seen on video walking to the Gang Foreman's vehicle, entering the vehicle, and driving out of the parking spot in the employee lot.
- At about 10:22 a.m., the Gang Foreman's vehicle was seen on video as it was leaving the Yard at the guard booth.
- At about 12:02 p.m., the Gang Foreman's vehicle was first observed on video returning to the Yard on a path coming from the Knickerbocker back gate.
- At about 12:03 p.m., the Gang Foreman's vehicle was seen on video parking in the employee lot. The same male who appears to be the Gang Foreman was seen exiting the Gang Foreman's vehicle and walking in the direction of the employee building.

#### **8. Wednesday, November 30, 2022**

- The Gang Foreman was scheduled to work a 12:30 a.m. to 8:30 a.m. overtime tour and an 8:30 a.m. to 4:30 regular tour at the Yard.
- At 12:09 a.m., the Gang Foreman's LIRR card was swiped in at a Kronos clock to fraudulently indicate that he was physically present to start his shift.
- At about 1:37 a.m., the Gang Foreman's vehicle was first observed entering the Yard on a path coming from the Knickerbocker back gate.
- At about 1:37 a.m., the Gang Foreman's vehicle was observed on video parking in the employee lot. A male who appears to be the Gang Foreman exited the vehicle and walked in the direction of the employee building.
- At 1:39 a.m., an entry of the Gang Foreman's LIRR card was registered at the employee building entrance.
- At about 3:16 a.m., during his shift, the same male who appears to be the Gang Foreman was seen on video walking to the Gang Foreman's vehicle, entering the vehicle, and driving out of a parking spot in the employee lot.
- At about 3:16 a.m., the Gang Foreman's vehicle was seen on video as it was leaving the Yard on a path towards the Knickerbocker back gate.
- At about 12:27 p.m., the Gang Foreman's vehicle was seen on video as it was returning to the Yard on a path coming from the Knickerbocker back gate.

- At about 12:27 p.m., the Gang Foreman's vehicle was seen on video in the parking lot and later parking in a spot in the employee lot.
- At about 12:29 p.m., a male wearing the same clothing seen earlier in the day on the male who appears to be the Gang Foreman was seen on video walking in the parking lot near the direction of the employee building.

#### **9. Thursday, December 1, 2022**

- The Gang Foreman was scheduled to work an 8:30 a.m. to 4:30 p.m. regular tour at the Yard and a 4:30 p.m. to 12:30 a.m. overtime tour at Jamaica Yard.
- At about 8:33 a.m., the Gang Foreman's vehicle was first observed via video surveillance entering the Yard at the guard booth.
- At 8:33 a.m., an entry of the Gang Foreman's LIRR card was registered at the guard booth.
- At about 8:34 a.m., the Gang Foreman's vehicle was observed on video parking in the employee lot. A male who appears to be the Gang Foreman exited the vehicle and walked in the direction of the employee building.
- At 8:34 a.m., an entry of the Gang Foreman's LIRR card was registered at the employee building entrance.
- At 8:34 a.m., the Gang Foreman's LIRR card was swiped in at a Kronos clock.
- At about 12:58 p.m., during his shift, the same male who appears to be the Gang Foreman was seen on video walking to the Gang Foreman's vehicle, entering the vehicle, and driving out of a parking spot in the employee lot.
- At about 12:58 p.m., the Gang Foreman's vehicle was observed on video as it was leaving the Yard on a path towards the Knickerbocker back gate.
- The Gang Foreman's vehicle was not observed returning to the Yard through the end of his shift at 4:30 p.m.

#### **10. Friday, December 2, 2022**

- The Gang Foreman was scheduled to work an 8:30 a.m. to 4:30 p.m. regular tour and a 4:30 p.m. to 12:30 a.m. overtime tour at the Yard.
- At about 8:35 a.m., the Gang Foreman's vehicle was first observed via video surveillance entering the Yard at the guard booth.
- At 8:35 a.m., an entry of the Gang Foreman's LIRR card was registered at the guard booth.
- At 8:36 a.m., the Gang Foreman's LIRR card was swiped in at a Kronos clock.
- At about 6:45 p.m., during his overtime shift, the Gang Foreman's same vehicle that was observed earlier was seen on video leaving a parking spot in the employee lot.



- At about 6:45 p.m., the Gang Foreman's vehicle was observed as it exited the Yard at the guard booth.
- At about 11:58 p.m., the Gang Foreman's vehicle was first observed on video returning to the Yard on a path coming from the Knickerbocker back gate.
- At about 11:59 p.m., the Gang Foreman's vehicle was observed on video parking in the employee lot. A male who appears to be the Gang Foreman exited the vehicle and walked in the direction of the employee building.
- A short time later, the same male that appears to be the Gang Foreman then returned to the Gang Foreman's vehicle carrying one large box and placed the large box inside of the Gang Foreman's vehicle. The male then walked back in the direction of the employee building. The male repeated the pattern of returning to the direction of the employee building and the Gang Foreman's vehicle two more times carrying a second large box and three bottles of fluid and placed the items inside of the Gang Foreman's vehicle.
- At 12:22 a.m. on December 3, 2022, the Gang Foreman's LIRR card was swiped out at a Kronos clock.
- At about 12:24 a.m. on December 3, 2022, the same male who appears to be the Gang Foreman can be seen on video walking from the direction of the employee building, entering the Gang Foreman's vehicle, and pulling out of the spot in the employee lot to exit the Yard.

#### **11. Sunday, December 4, 2022**

- The Gang Foreman was scheduled to work an 8:30 a.m. to 4:30 p.m. regular tour, a 4:30 p.m. to 12:30 a.m. overtime tour, and a 12:30 a.m. to 8:30 a.m. second overtime tour at the Yard.
- At about 8:34 a.m., the Gang Foreman's vehicle was first observed via video surveillance entering the Yard at the guard booth.
- At 8:34 a.m., an entry of the Gang Foreman's LIRR card was registered at the guard booth.
- At about 8:35 a.m., the Gang Foreman's vehicle was observed on video parking in the employee lot. A male who appears to be the Gang Foreman exited the vehicle and walked in the direction of the employee building.
- At 8:35 a.m., an entry of the Gang Foreman's LIRR card was registered at the employee building entrance.
- At 8:36 a.m., the Gang Foreman's LIRR card was swiped in at a Kronos clock.
- At about 12:35 p.m., during his regular shift, the same male who appears to be the Gang Foreman was seen on video walking to the Gang Foreman's vehicle, entering the vehicle, and driving out of a parking spot in the employee lot.

- At about 12:35 p.m., the Gang Foreman's vehicle was observed on video as it was leaving the Yard on a path towards the Knickerbocker back gate.
- At about 4:54 p.m., after his overtime shift had already started, the Gang Foreman's vehicle was observed on video returning to the Yard on a path coming from the Knickerbocker back gate.
- At about 4:55 p.m., the Gang Foreman's vehicle was observed on video parking in the employee lot. The same male who appears to be the Gang Foreman exited the vehicle and walked in the direction of the employee building.
- At 4:55 p.m., an entry of the Gang Foreman's LIRR card was registered at the employee building entrance.
- At about 6:04 p.m., for a second time, later during his overtime shift, the same male who appears to be the Gang Foreman was seen on video walking to the Gang Foreman's vehicle, entering the vehicle, and driving out of parking spot in the employee lot.
- At about 6:04 p.m., the Gang Foreman's vehicle was observed on video as it was leaving the Yard on a path towards the Knickerbocker back gate.
- At about 10:10 p.m., the Gang Foreman's vehicle was first observed on video returning to the Yard on a path coming from the Knickerbocker back gate.
- At about 10:11 p.m., the Gang Foreman's vehicle was observed on video parking in the employee lot, the same male who appears to be the Gang Foreman exited the vehicle and walked in the direction of the employee building.
- At 10:11 p.m., an entry of the Gang Foreman's LIRR card was registered at the employee building entrance.

## **12. Wednesday, December 14, 2022**

- The Gang Foreman was scheduled to work a 12:30 a.m. to 8:30 a.m. regular tour and an 8:30 a.m. to 4:30 overtime tour at the Yard.
- At 12:23 a.m., the Gang Foreman's LIRR card was swiped in at a Kronos clock to fraudulently indicate that he was physically present to start his shift.
- At about 12:57 a.m., the Gang Foreman's vehicle was first observed entering the Yard on a path coming from the Knickerbocker back gate.
- At about 12:58 a.m., the Gang Foreman vehicle was seen on video entering the employee parking lot and parking.
- At 12:59 a.m., an entry of the Gang Foreman's LIRR card was registered at the employee building entrance.

**13. Thursday, December 15, 2022**

- The Gang Foreman was scheduled to work a 12:30 a.m. to 8:30 a.m. regular tour at the Yard.
- At 12:20 a.m., the Gang Foreman's LIRR card was swiped in at a Kronos clock to fraudulently indicate that he was physically present to start his shift.
- At about 1:40 a.m., the Gang Foreman's vehicle was first observed entering the Yard on a path coming from the Knickerbocker back gate.
- At about 1:40 a.m., the Gang Foreman's vehicle was observed on video parking in the employee lot, a male who appears to be the Gang Foreman exited the vehicle and walked in the direction of the employee building.
- At 1:42 a.m., an entry of the Gang Foreman's LIRR card was registered at the employee building entrance.
- At about 3:25 a.m., during his shift, the same male who appears to be the Gang Foreman was seen on video walking to the Gang Foreman's vehicle, entering the vehicle, and driving out of a parking spot in the employee lot.
- At about 3:25 a.m., the Gang Foreman's vehicle was observed on video as it was leaving the Yard on a path towards the Knickerbocker back gate.
- The Gang Foreman's vehicle wasn't observed returning to the Yard throughout the rest of his shift which ended at 8:30 a.m.
- Although the Gang Foreman was not physically present, at 8:20 a.m., his LIRR card was swiped out at a Kronos clock.

**14. Tuesday, January 24, 2023**

- The Gang Foreman was scheduled to work a 12:30 a.m. to 8:30 a.m. overtime tour and an 8:30 a.m. to 4:30 regular tour at the Yard.
- At about 12:38 a.m., the Gang Foreman's vehicle was first observed via video surveillance entering the Yard at the guard booth.
- At 12:38 a.m., an entry of the Gang Foreman's LIRR card was registered at the guard booth.
- At 12:40 a.m., the Gang Foreman's LIRR card was swiped in at a Kronos clock.
- At about 9:31 a.m., during the Gang Foreman's tour, the Gang Foreman's vehicle was observed on video leaving the Yard at the guard booth.
- At about 2:44 p.m., the Gang Foreman's vehicle was observed on video returning to the Yard at the guard booth.
- At 2:44 p.m., an entry of the Gang Foreman's LIRR card was registered at the guard booth.