



## LIRR EMPLOYEES FALSIFIED RECORDS TO COVER TIME ABUSE

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### I. EXECUTIVE SUMMARY

The Office of the MTA Inspector General (OIG) substantiated allegations that four Long Island Railroad (LIRR) employees, three Electricians (Electrician 1, 2, and 3, collectively the Electricians) and one Car Repairman, committed time abuse and falsified Kronos timekeeping records. Specifically, Electrician 1 admitted that approximately twice a week for all of 2024 he would leave work hours before his overtime shift was over and that Electricians 2 and 3 would swipe him out at the Kronos clocks. Furthermore, the Car Repairman admitted that Electrician 2 would swipe him out 20 minutes before his shift was over two to three times a week for a year and a half. Electrician 3 admitted to clocking out Electrician 1. Electrician 2, however, was not honest with OIG regarding the frequency of his misconduct. All employees worked out of the Hillside Maintenance Complex (HMC), located within the Hillside Support Facility (HSF). This matter is part of a broader investigation involving time abuse and use of unauthorized duplicate identification cards (cloned cards) at multiple LIRR facilities.<sup>1</sup>

OIG recommended that LIRR take whatever action it deems appropriate against Electricians 2 and 3 and the Car Repairman. Electrician 1 retired during the investigation and a separate letter regarding his behavior was already provided to LIRR. As noted below, LIRR took varying disciplinary action against the employees and former employee. Additionally, LIRR informed OIG that in September of 2024 it commenced reinstitution of biometric finger scanning as a timekeeping requirement. LIRR has implemented biometrics in all operating departments and says it is closely monitoring time and attendance and employees' compliance with these essential requirements.

A copy of this report was also provided to the New York State Commission on Ethics and Lobbying in Government (COELIG) for its review and any action it deems appropriate.

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<sup>1</sup> OIG has already issued reports concerning time abuse and fraudulent Kronos records at Ronkonkoma Yard, including [MTA/OIG Report # 2024-13](#) *Time Abuse, Falsification of Timekeeping Records, and Use of an Unauthorized Duplicate Card by LIRR Gang Foreman*, and at HSF, [MTA/OIG Report # 2024-16](#) *Time Abuse and Fraudulent Kronos Records at LIRR Hillside Support Facility*.

## **II. INVESTIGATION**

### **A. Employees' Backgrounds**

Electrician 2 was hired by LIRR in May 1995 as a laborer and currently works as an electrician. He is assigned to the Overhaul Shop within HMC and works a regular shift of 8:30 a.m. to 4:30 p.m., Monday through Friday. The Car Repairman started with LIRR in August 1999 and was promoted to his current title in 2007. He also works out of the Overhaul Shop with Electrician 2 and has a regular shift of 8:30 a.m. to 4:30 p.m., Monday through Friday. Electrician 3 was hired by LIRR in July 2000, as an electrician, is assigned to the Car Shop, which is also located at HMC, and works a regular shift of 12:30 a.m. to 8:30 a.m., Monday through Friday.

### **B. Video and Kronos Records Review**

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 swipes. 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. OIG was notified by LIRR management that Electrician 1 was seen leaving work on September 4, 2024, at approximately 2:20 p.m., which is two hours before his overtime shift ends. A review of his Kronos records for that date, however, showed a swipe-out time after he left, at the HMC-Car Shop 2 clock (100018). There are two other Kronos clocks, for a total of three clocks, next to each other in that area referred to as 8 Track: HMC-Car Shop 1 (100017), HMC-Car Shop 2 (100018), and HMC-Car Shop 3 (100019). LIRR management then discovered through reviewing surveillance video that Electrician 1 left early on three other days (August 13, 15, and 28), contrary to his Kronos swipe out times.



*Three Kronos clocks in close proximity on a wall in the area referred to as 8 Track*

LIRR (and later OIG) reviewed video of these Kronos clocks for the dates and times of Electrician 1's swipe outs. On the footage for August 15, Electrician 2 was seen swiping out from at least two of the clocks at 4:20 p.m. There is no reason why Electrician 2 would need to swipe out his own LIRR card two times. Electrician 2 was blocking the view of the middle clock.

LIRR reviewed the Kronos records of all three clocks during that time, and found that Electrician 1, Electrician 2, and the Car Repairman had swipe out times within seconds of each other, but Electrician 2 was the only person present at the clocks during that time. LIRR then provided this information to OIG to investigate further.

OIG analyzed a spreadsheet containing the Electricians' and the Car Repairman's Kronos swipes for the period of January 1, 2024, through October 21, 2024. A review showed multiple instances where:

1. Electrician 1 and Electrician 2 were swiped out at the same time on the HMC- Car Shop clocks located at the 8 track; and
2. Electrician 2 and the Car Repairman swipe in and out at the same time, often on the same clock.

Additionally, OIG tried to obtain documentation indicating who was supervising Electrician 1 during the overtime shifts at issue, especially on the dates he was seen on video leaving early. LIRR Maintenance of Equipment management told OIG that no records exist stating who was supervising Electrician 1 during his overtime shifts, nor what work Electrician 1 was tasked with performing.

### **C. Summary of Interviews Conducted**

At the time of his interview, Electrician 1 had been removed from service by LIRR for his abuse of time, and he submitted documents for his retirement. Electrician 1 was questioned about the four dates in 2024 (August 13, 15, 28, and September 4) when he was seen on video by LIRR management leaving early while on an overtime shift. Electrician 1 not only admitted to leaving early on these dates, but told OIG that he would leave approximately two hours or more before the end of his overtime shift two times a week for all of 2024, and that either Electricians 2 or 3 would swipe him out on those occasions. Electrician 1 further admitted to OIG that he obtained a cloned card that he purchased from an LIRR gang foreman. Electrician 1 claimed the cloned card stopped working at some point and then he started leaving his LIRR identification card on top of his locker or on top of Electrician 2's locker if he needed to get swiped out.<sup>2</sup>

Electrician 3 admitted to swiping out Electrician 1 using Electrician 1's LIRR card. At first, Electrician 3 claimed it was only about three times in July and August of 2024 because Electrician 1 allegedly had emergencies. Electrician 3 eventually admitted to swiping out Electrician 1 about twice a month for all of 2024. Electrician 3 added that he believed Electrician 1 had a group of other employees who also swiped him out but was not sure who they were. Electrician 3 said that when he swiped out Electrician 1, he would swipe himself and Electrician 1 out at 4:20 p.m. at the end of the overtime shift. After swiping out Electrician 1, Electrician 3 would put the card back on the refrigerator.

Electrician 2, however, only admitted to clocking out Electrician 1 the one instance in August 2024 when he was caught on video. Electrician 2 claimed it was a one-time occurrence because Electrician 1 had a family emergency. Electrician 2 claimed that he had previously been asked by Electrician 1 to swipe him out, but Electrician 2 claimed that he refused to do it and that he had never been put in that situation before, contrary to Electrician 1's statements. Given

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<sup>2</sup> Electrician 1 stated that he swiped in Electrician 2 early once because Electrician 2 usually had a different group of people to swipe him in and out. Electrician 1 also stated that Electrician 2 had a cloned card. Electrician 2 said that he could not recall if he had ever been swiped in early by any other employee but definitively stated that Electrician 1 never swiped him in.

Electrician 1's forthright admissions of wrongdoing, and Electrician 2's initial denials and evasive answers (discussed below), OIG credits Electrician 1's claims that Electrician 2 regularly swiped him out and concludes that Electrician 2 lied when he claimed to have only swiped out Electrician 1 once.

Electrician 2 initially claimed that he had never swiped out any other employee. When shown a video from August 15, 2024, in which Electrician 2 is seen swiping out on at least two different Kronos clocks at around 4:20 p.m., Electrician 2 acknowledged that it was him in the video. OIG informed Electrician 2 that a review of Kronos records showed that Electrician 1 and the Car Repairman were also clocked out at 4:20 p.m. on the clocks in the video, but they were not seen on video swiping out. OIG again asked Electrician 2 if he swiped out anyone else besides Electrician 1. Initially, Electrician 2 was evasive and tried to deflect from answering the question. He even questioned whether OIG had checked the rest of the video, claiming that the Car Repairman was coming down the stairs behind him, and he fabricated a story that the Car Repairman dropped his bag on the floor and handed Electrician 2 his card, and then they left together. After confronting Electrician 2 again that the Car Repairman was not seen in the video, Electrician 2 finally admitted that he swiped out the Car Repairman but insisted that the Car Repairman was just off camera somewhere and that they left together. Electrician 2 stated that he swiped out the Car Repairman as a favor because he has an injured hip. When pressed further about swiping out the Car Repairman, Electrician 2 only admitted to swiping out the Car Repairman one other time. Electrician 2 continued to be uncooperative and stated that he could not recall when he swiped out the Car Repairman, why he would swipe the Car Repairman out, or even whether the Car Repairman had asked to be swiped out.

OIG showed Electrician 2 a spreadsheet that detailed multiple times during the period of January 1 through October 21, 2024, when he, the Car Repairman, and Electrician 1 all swiped out at the same time at the clocks located at the 8 track. Electrician 2 denied clocking out the Car Repairman and Electrician 1 on specifics days in February, March, April, and July 2024.

The Car Repairman initially denied ever leaving work before the end of his shift without authorization. OIG showed the Car Repairman Kronos records showing days that he, Electrician 1, and Electrician 2 all swiped in or out at the same exact time. OIG also informed the Car Repairman that there was video footage of Electrician 2 swiping the Car Repairman's LIRR card. The Car Repairman then claimed that, due to an injury, he has difficulty walking to his car and admitted that Electrician 2 had swiped him out. The Car Repairman first claimed that Electrician 2 swiped him out only a few times, but eventually the Car Repairman admitted that he would leave about 20 minutes early two to three times a week for a year and a half. The Car Repairman stated that Electrician 2 was the only one who swiped him out. The Car Repairman claimed that he would sit in his car and wait for Electrician 2 to come out and return his LIRR

card. During his interview, the Car Repairman told OIG that he often finished his assignments early and would “kill time” in the facility, sometimes up to three hours. OIG questioned why he would potentially jeopardize his job for just 20 minutes, and not just wait to swipe himself out at the end of his shift. The Car Repairman had no explanation and just stated, “that’s what happened.”

### III. POLICIES AND ANALYSIS

#### MTA All-Agency Code of Ethics

1. *§ 1.07: Cooperation with Audits and Investigations*

The MTA All-Agency Code of Ethics Section 1.07 states, in pertinent part, that employees must cooperate fully and honestly with audits and investigations conducted by the MTA Inspector General, or other governmental agencies. Failure to cooperate will subject an Employee to appropriate disciplinary penalty, up to and including dismissal.

2. *§ 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.

3. *§ 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.”



#### **IV. FINDINGS**

OIG's ongoing investigation into time abuse at several LIRR facilities has revealed a practice of employees entering Kronos swipes for other employees. The findings below reflect some of the conduct OIG found at HMC regarding the employees named herein.

1. Electricians 2 and 3 and the Car Repairman engaged in acts that violated the public trust in violation of MTA All-Agency Code of Ethics § 4.02 as follows:
  - a. The Car Repairman admitted to leaving work before his shift ended and having Electrician 2 swipe him out.
  - b. Electrician 2 admitted to swiping out Electrician 1 and the Car Repairman, although OIG believes the conduct was far more pervasive than Electrician 2 admitted.
  - c. Electrician 3 admitted to swiping out Electrician 1 multiple times.
2. The Car Repairman did not work his full shifts and falsified Kronos swipes in violation of LIRR Corporate Policy and Procedure LEAVE-001 and Issue No. 2407R2 Absence Control Policy.
3. Electrician 2 swiped out Electrician 1 and the Car Repairman although they did not work their full shifts, and thus falsified Kronos records, in violation of LIRR Corporate Policy and Procedure LEAVE-001 and Issue No. 2407R2 Absence Control Policy.
4. The Car Repairman and Electrician 3 were initially not forthcoming regarding their fraudulent behavior until confronted with video and other evidence demonstrating their misconduct. Electrician 2 continued to be dishonest about his misconduct for the duration of his interview even after he was confronted with video and other evidence. Because he was not truthful about the number of times he swiped out Electrician 1 and the Car Repairman, he failed to cooperate fully and honestly with an investigation by OIG in violation of MTA All-Agency Code of Ethics § 1.07.
5. The conduct of Electricians 2 and 3 and the Car Repairman violates New York State Public Officers Law Sections 74(3)(d) and 74(3)(h).



6. Although OIG could not identify the specific supervisor assigned while Electrician 1 was working overtime shifts because LIRR does not keep such documentation, there was a clear lack of proper supervision at HMC during Electrician 1's overtime shifts. Electrician 1 admitted to leaving hours before the end of his overtime shift approximately twice a week in 2024, until September when he was finally caught.

## V. RECOMMENDATIONS

OIG recommended that LIRR take whatever action it deems appropriate as to Electrician 2, Electrician 3, and the Car Repairman and that LIRR recoup any payments made for hours they did not work.

A copy of this report was provided to COELIG for its review and any action they deem appropriate.

*Agency Response: In response to the OIG's report, LIRR took immediate actions against Electrician 2, Electrician 3, and the Car Repairman. Each employee was removed from service without pay and served disciplinary charges, which included dishonesty, failure to cooperate in an investigation, facilitating time theft, and time theft. All three employees accepted settlements, which included a Last Chance Agreement, as follows:*

- *Electrician 2: 180 calendar day suspension without pay,*
- *Electrician 3: 120 calendar day suspension without pay, and*
- *Car Repairman: Nine-month suspension without pay.*

*All suspension times began when the employees were removed from service.*

*As a result of the separate letter provided to LIRR regarding Electrician 1, Electrician 1 was not granted a cash-out of his sick leave and the department recouped approximately eight hours of pay at the overtime rate from his final paycheck for time he did not work.*

*Lastly, the LIRR has also implemented additional administrative processes to ensure that documentation relating to the daily assignment of workers to supervisors is retained for purposes of later investigations or audits.*