



Metropolitan Transportation Authority

State of New York

January 15, 2020

Ms. Carmen Maldonado
Audit Director
The Office of the State Comptroller
Division of State Government Accountability
59 Maiden Lane, 21st Floor
New York, NY 10038

Re: Final Report #2019-F-17 (Operational Training and Medical Assessments of Train Crews)

Dear Ms. Maldonado:

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

I have attached for your information the comments of Andy Byford, President, MTA NYC Transit, which address this report.

Sincerely,

A handwritten signature in blue ink that reads "Patrick J. Foye".

Patrick J. Foye
Chairman and Chief Executive Officer

c: Anni Zhu, Acting MTA Chief of Staff
Michele Woods, Acting Auditor General, MTA Audit Services

Memorandum



Date January 14, 2020

To Patrick Foye, Chairman, MTA

From Andy Byford, President, New York City Transit

Re **New York State Comptroller Report #2019-F-17 (Follow-Up Report)– Operational Training and Medical Assessments of Train Crews**

This information is being provided in response to the State Comptroller's final audit report on Operational Training and Medical Assessments of Train Crews (2019-F-17). The stated purpose of this follow-up audit was to assess the extent of implementation, as of October 17, 2019, of the five recommendations included in their initial report (2016-S-26, issued May 31, 2018).

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

Status per Comptroller: Partially Implemented

Status per NYCT: Implemented

NYCT Response: The report identifies several Conductors and Train Operators who did not receive refresher training within NYCT's established time frames. Because NYCT had unprecedented numbers of additional hires in 2016 and 2017, refresher training was postponed so that NYCT could complete induction training for the new hires. Our policies now provide that all employees receive refresher training within 90 days of the anniversary date of their induction training or their last refresher training (whichever is most recent).

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

Status per Comptroller: Implemented

Status per NYCT: Implemented

NYCT Response: In 2017, NYCT created a system to track class files and instituted an internal control to ensure that periodic file reviews are conducted.

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

Status per Comptroller: Implemented

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Status per NYCT: Implemented

NYCT Response: NYCT clarified its requirements regarding retests in a Training Policy Memorandum issued January 4, 2016.

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

Status per Comptroller: Not Implemented

Status per NYCT: NYCT continues to disagree with this recommendation

NYCT Response: Refresher training does not include testing, so there are no grades. The “test” the auditors refer to is merely a skill assessment administered to trainees *before* the refresher course to give the instructor a snapshot of the participant’s current understanding of certain topics. This assessment is not used as a determinant of the employee’s ability to perform his/her job. However, at the conclusion of refresher training, the instructor evaluates demonstrated competency in all assigned topics.

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

Status per Comptroller: Partially Implemented

Status per NYCT: Full Implementation expected by March 31, 2020.

NYCT Response: The report found that medical records were not always maintained according to requirements. As a result, refresher training will be provided to all medical staff on the new medical software system (Cority) and on proper procedures. All G46 (request for medical examination) forms will be scanned into Cority for each visit. In addition, medical transmittal sheets and medical qualification forms for all pre-employment/promotional candidates will be scanned into Cority and placed in the medical charts at the time of the visit. The report references nine employees who the auditors claim did not have their required medical assessments. However, when asked to provide the names of these employees, the auditors provided a spreadsheet with eight employees who, upon investigation, all received their medicals within the appropriate timeframe.

THOMAS P. DINAPOLI
COMPTROLLER



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STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

November 19, 2019

Mr. Patrick J. Foye
Chairman and Chief Executive Officer
Metropolitan Transportation Authority
2 Broadway
New York, NY 10004

Re: Operational Training and Medical
Assessments of Train Crews
Report 2019-F-17

Dear Mr. Foye:

Pursuant to the State Comptroller's authority as set forth in Article X, Section 5 of the State Constitution and Section 2803 of the Public Authorities Law, we have followed up on the actions taken by officials of Metropolitan Transportation Authority – New York City Transit to implement the recommendations contained in our audit report, *Operational Training and Medical Assessments of Train Crews* (Report 2016-S-26).

Background, Scope, and Objective

The Metropolitan Transportation Authority (MTA) is a public benefit corporation that operates North America's largest transportation network. One of six MTA constituent agencies, New York City Transit (Transit) operates bus and subway service within the City. Transit's 27 subway lines are divided into two divisions: A Division (the numbered lines and 42nd St. Shuttle) and B Division (the lettered lines and the 7 line).

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

Employees new to the TO and Conductor positions must go through Induction Training, where they learn how to operate trains in revenue and non-revenue road service in a yard or terminal; prepare trains for road service and switch cars in the yards; and learn the components of a train and gain familiarity with operating procedures, including how to deal with emergency situations.

Depending on the job or assignment the inductee is training for, the curriculum and length of the training varies, as shown in the following table.

Title	Assignment	Length of Induction Training
Conductor	A Division	32 days
	B Division	35 days
Train Operator	A Division	85 days
	B Division	110 days
Train Service Supervisor	A & B Divisions	40 days

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

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

TOs and Conductors who complete Induction Training are on probation for a year, which includes time spent in training, and thereafter become permanent employees. Subsequently, every three years, train crews must undergo Refresher Training. For both positions, the Refresher Training includes three days of classroom training, road training, and fire and evacuation training; Conductors receive an additional day of training in communications.

Employees new to these positions are required to pass a medical assessment at a Medical Assessment Center (MAC) and periodic medical assessments thereafter (every two years for TOs and every five years for Conductors). Revisits may be necessary as determined by MAC medical personnel. Federal regulations also require Conductors and TOs to have annual hearing tests. There are no medical assessment requirements for TSSs, who are subject to drug and alcohol screening only.

We issued our initial audit report on March 1, 2018. We found that Transit was not in compliance with the requirements of the Induction Training curriculum established for its train crews, and that TOs and Conductors did not always meet or complete Refresher Training requirements. Our review of training files for 45 employees showed that only 16 employees (36 percent) received a passing grade of 80 or higher on the final test, while 23 employees (51 percent) failed the test and returned to work; for the remaining 6 employees, tests were missing from the files. Furthermore, annual hearing tests were not always administered as required.

Transit was also not in compliance with medical assessment requirements for train

crews. For example, of 36 medical assessments that were required for 33 TOs during our audit scope period, based on the information available, we could determine that only 2 were performed on time; 16 were performed late; 13 were performed early; and 5 were not done at the time of the employee's last day worked prior to retirement.

The objective of our follow-up was to assess the extent of implementation, as of October 17, 2019, of the five recommendations included in our initial audit report.

Summary Conclusions and Status of Audit Recommendations

MTA—Transit officials made some progress in addressing the problems we identified in the initial audit report. Of the initial report's five audit recommendations, two were implemented, two were partially implemented, and one was not implemented.

Follow-Up Observations

Recommendation 1

Identify and prioritize ways to schedule all training to comply with Transit requirements.

Status – Partially Implemented

Agency Action – We found that 14 of 20 Conductors (70 percent) and 9 of 16 TOs (56 percent) sampled for our follow-up failed to meet this requirement. For example, one Conductor should have attended Refresher Training in May 2017, but did not attend until January 2019. A TO should have attended Refresher Training in July 2017, but did not attend until October 2018. According to the updated Safety Promotion section of Transit's Public Transportation Agency Safety Plan, which is in its final revision stage, employees must be scheduled for Refresher Training every three years within 90 days of the anniversary date of completing Induction Training or Refresher Training, whichever is most recent. Prior to March 2, 2018, Transit did not have a grace period.

Recommendation 2

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

Status – Implemented

Agency Action – Transit has assigned two employees to review TO and Conductor Induction Training files. It also established a process for random audits of the Induction Training files three or four times each year. We were provided copies of the three audits done in 2018; no audits have been done for 2019 (as of August). We also found that 6 out of 19 Conductor files in our Induction Training sample contained incomplete documents (e.g., forms and tests that were not signed, graded, or dated). From the 21 TO files reviewed, we found nine incomplete documents. After reviewing the attendance sheets for the Conductor Induction Training classes

in our sample, we found that, on average, 9 percent of attendance sheets were missing from the files. Out of the 21 TO files, about 10 percent of the attendance sheets were missing. While Transit has taken steps to ensure that class files are complete, there is opportunity to strengthen its controls.

Recommendation 3

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

Status – Implemented

Agency Action – Transit's training manuals contain a new Training Policy Memorandum (as of January 4, 2016) that clarifies requirements on retests.

Recommendation 4

Evaluate the Refresher Training to determine the reason for the low passing rate and implement corrective action.

Status – Not Implemented

Agency Action – Transit did not evaluate the low passing rate on Refresher Training tests. We were advised that the participants are assessed to determine the areas where they need to be updated (or reminded) of the requirements. At the closing conference, Transit officials advised us that the assessment forms were not maintained in each employee's file; instead, they are kept together. Officials said they would provide us with the forms. For Conductors, we received forms for only 2 of the 16 months (January and February 2019); for TOs, we received a list of assessment results from January 13, 2019 to October 9, 2019. According to these sources, 108 of the 186 (58 percent) forms for Conductors showed scores lower than 80. We also noted that 27 Conductors had scores of 60 or lower. For the 465 TO scores received, 375 were below 80 and 177 were 60 or lower. Thus, the scores on the assessments indicate that TOs' and Conductors' "Knowledge and Awareness" need significant improvement.

Recommendation 5

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

Status – Partially Implemented

Agency Action – We found that medical records were not always maintained according to Transit's requirements. A copy of the G-46 "Request for Medical Examination" form for promotion staff and a copy of the Medical Transmittal sheet for pre-employment candidates must be in the medical chart, along with a copy of the

Medical Qualification form. Our review of a sample of 21 TO medical records revealed that 4 did not have documents to show they met the pre-employment or promotion requirement in their chart.

In addition, we found that 9 of 26 employees (2 TOs and 7 Conductors) did not have all of the required periodic medical assessments. Also, the MAC personnel had a difficult time tracking the employees' medical files in their new system. For example, locations were incorrect, and some employees had multiple files in different MACs. Therefore, we can conclude that although Transit has developed a new system, it does not properly track and monitor employees' medical exams.

Major contributors to this report were Robert Mehrhoff, Anthony Belgrave, Jim Cherian, Susan Gordon, and Netash Phull.

We would appreciate your response to this report within 30 days, indicating any actions planned to address the unresolved issues discussed in this report. We thank the management and staff of MTA–Transit for the courtesies and cooperation extended to our auditors during this review.

Very truly yours,



Carmen Maldonado
Audit Director

cc: D. Jurgens, MTA
M. Woods, MTA
Division of the Budget