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Metropolitan Transportation Authority

State of New York

June 4, 2018

Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Honorable Thomas P. DiNapoli ✓
Office of the State Comptroller
59 Maiden Lane, 31st Floor
New York, NY 10038

RE: Response to Report #2016-S-26 – MTA New York City Transit Operational Training and Medical Assessments of Train Crews

Gentlemen:

On March 1, 2018, the Office of the State Comptroller issued the above referenced audit report. As required by Section 170 of the Executive Law, I am providing you with the attached response which addresses the recommendations contained in the report.

A copy of the final audit report is attached for your convenience.

Sincerely,

Joseph J. Lhota

c: Helene Fromm, MTA Chief of Staff
Michael J. Fucilli, Auditor General, MTA Audit Services

Attachment

The agencies of the MTA

MTA New York City Transit
MTA Long Island Rail Road

MTA Metro-North Railroad
MTA Bridges and Tunnels

MTA Capital Construction
MTA Bus Company

Memorandum



Date May 31, 2018

To Joseph Lhota, Chairman, MTA

From Andy Byford, President, NYC Transit

Re New York State Comptroller Report #2016-S-26 - Operational Training and Medical Assessments of Train Crews: 90 Day Response

In response to the requirements of Section 170 of the Executive Law to respond 90 days after receipt of the above-referenced audit report from the State Comptroller, we hereby provide you with steps taken by MTA New York City Transit (NYC Transit) to implement the recommendations outlined in the audit report and, where recommendations were not implemented, the reasons are set forth below.

The stated purpose of the audit was to determine whether NYC Transit established and implemented training and retraining programs for train crews to ensure safe operations, and ensured that train crews are medically fit and periodically monitored for continued medical fitness.

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

NYC Transit Response: NYC Transit disagrees with this recommendation as training requirements are met. We are making modest changes to the policies to better clarify scheduling requirements. We comply with all our mandated training, and we have controls in place to ensure training takes place in accordance with policy. Our internal control process conducts annual compliance tests, and NYC Transit's Office of System Safety performs safety training audits every three years. Despite this, the auditors claimed that our current policies do not "give the agency flexibility to schedule training when convenient." For example, if refresher training is mandated every three years, the auditors considered three years and one day to be out of compliance. This is an overly strict interpretation of the requirements. We schedule training based on operational requirements which may require flexibility as to the exact date of training. Since hourly employees are on-boarded in large groups (generally 30-70 per class), 10-12 times per year, pulling them from service for training on their exact anniversary date would necessitate large groups removed from picked work jobs simultaneously. We minimize the negative impact to employee availability and service to our ridership by smoothing out the schedule, so that all employees receive refresher training within 90 days of their anniversary date of completing induction training or their last refresher training (whichever is most recent). We are in the process of revising the wording in our policies to clarify this flexibility. These changes will be reflected in the next annual update of the System Safety Program Plan to be issued by the end of the year.

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.

NYC Transit Response: This recommendation has been implemented. NYC Transit has created an electronic system to track class files and has 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.

NYC Transit Response: This recommendation has been implemented. The Training Policy Memorandum has been revised to clarify the requirements regarding retests.

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

NYC Transit Response: NYC Transit strongly disagrees with the implication of this recommendation. The Auditors based this recommendation on an 80 percent passing grade for induction training exams. Refresher training does not include testing, so there are no grades. The auditors erroneously conflated the induction passing grade with a skill assessment administered to trainees at the beginning of 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.

NYC Transit Response: NYC Transit strongly disagrees with the implication that we do not appropriately track and monitor medical examinations. All employee medical exams the auditors identified were scheduled and performed appropriately. Most of the discrepancies the auditors identified were due to the fact that we schedule exams during the employee's birth month, while the auditors considered exams to be in compliance only if they occurred on the *exact* anniversary date of the employee. We revised the wording in our medical policies to clarify this flexibility to schedule. The remaining discrepancies were due to employee absences on the scheduled date, and we provided evidence of these absences from our timekeeping system. We do not agree with the auditor's statement that this "evidence was insufficient" as our timekeeping system is audited by the MTA's external auditors.